

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 124

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 16, 2003
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, Deputy City Clerk; present.

Reverend Jeff Snook, Trinity Presbyterian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of September 9, 2003, were approved 7 to 0.

AWARDS AND PRESENTATIONS

MEMORIAL - FORMER VICE-MAYOR SKEETS WINKLER.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION

WHEREAS, this posthumous award is being made to honor the memory of Skeets Winkler, who passed into her future life on September 6, 2003:

- For her encouragement, strong leadership and friendship to the men and women in this community; and
- For her efforts to improve the plight of those in need in our City and the surrounding area through many volunteer organizations, including the Wichita Downtown Lions Club, Catholic Social Services, Kansas Aviation Museum and Friends of McConnell Air Force Base; and
- For her service to the community, strength of character, and abundant energy, demonstrated through thousands of hours of service on the City of Wichita's Citizen Participation Organization and CPO Coordinating Board, Human Resources Board, Traffic Commission, prior to her election as Wichita City Commissioner and Vice-Mayor of the City of Wichita; and

NOW, THEREFORE, BE IT RESOLVED, that the Wichita City Council does hereby recognize the exceptional services provided to the citizens of Wichita, Kansas, by Mrs. Skeets Winkler, and do hereby extend the gratitude of the community; and

BE IT FURTHER RESOLVED that this official citation be transmitted with our heartfelt sympathy and gratitude to her family. Adopted this September 16, 2003.

PROCLAMATIONS

Proclamations previously approved were presented.

RECOGNITION

Rebecca Palmer, Sister Cities Scholarship Award Winner.

SERVICE CITATION

Distinguished Service Citation was presented.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 125

PUBLIC AGENDA

LARRY SIMMONS

Captain Larry Simmons, Ret. - Presentation to City of Wichita-Smoke Eater Softball Tournament.

Larry Simmons reported that in 1990, after answering a call with the Fire Department that involved small children, decided that he would like to do something more to help children and their families at the Wichita Burn Center. Their first ball tournament was on June 6, 1990 and this year they held their eighth annual Smoke Eaters Ball Tournament, which netted over \$32,000. Mr. Simmons thanked the City of Wichita for their support.

MARY DEAN

Mary Dean-City Council Members, Boeings IRB's, and Disparity Diversity Task Force Committee.

Mary Dean stated that she is requesting a one-on-one meeting with each Council Member to speak to them about her concerns. Mary Dean stated that it has been her experience, and the experience of others, that people who look like her have failed with fighting discrimination in the workplace.

Mayor Mayans

Mayor Mayans assured Mary Dean that each and every member of the Council would be willing to speak to her. Mayor Mayans explained that Mary is referring to some comments she passed out to the City Council dealing with one of the appointments to the Diversity/Small Business Task Force. Mayor Mayans stated that he asked Mary not to read those comments publicly because it would be divisive. Mayor Mayans thanked Mary Dean for graciously approving his request.

KING DAVID DAVIS

King David Davis – Standards of Old.

Mr. Davis requested that the Council Members take into consideration the standards of previous leadership while beginning the process of setting new leadership standards.

NEW BUSINESS

GARRISON DEV.

PUBLIC HEARING: GARRISON DEVELOPMENT, INC.; RESOLUTION OF SUPPORT FOR LOW-INCOME HOUSING TAX CREDIT APPLICATION. (DISTRICT I)

Mark Stanberry

Housing Services Director reviewed the item.

Agenda Report No. 03-0963

Garrison Development, Inc. has requested a Resolution of Support from the City Council, in connection with an application for Low-Income Housing Tax Credits (LIHTC's) to be submitted to the State of Kansas. The State of Kansas requires developers to obtain a Resolution of Support from the local government, when applications are submitted for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted LIHTC policy, developers must present proposed projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). In addition, the Planning Department and the Office of Central Inspection review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing with a recommendation regarding the requested Resolution of Support.

The proposed project will be located at 201 S. St. Francis. Following renovation, the former Sleep Products Building, which was originally constructed in 1928, will offer 32 units of one and two-bedroom apartments.

All units will have central heating and air conditioning, ceiling fans, washer and dryer hook-ups. The interior brick walls will be covered by drywall and insulated for maximum energy efficiency. The interior concrete ceiling will remain exposed in its natural state. Exterior renovations will be designed to maintain the historic character of the building. Twenty-Five (25) units will be LIHTC-assisted, and

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 126

seven (7) units will be offered as market-rate units. In accordance with the City's Tax Credit Policy, at least 20% of the apartment units must be made available to market-rate tenants. The proposed tenant make-up will satisfy this requirement.

The project has been reviewed by the Housing Services Department, and has received recommendation for adoption of the Resolution of Support from the DAB, the HAB and the DCC. Further, in accordance with City council Resolution No. R-95-479, the Developer has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment on the project.

The total project is estimated to be \$3,916,233. The project will be funded with Low-Income Housing Tax Credits, Historic Tax Credits, and Bank Financing. The City is not expected to participate in the financing of the project.

City Council Resolution No. R-95-479 requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document will be approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the Public Hearing be closed; the Resolution of Support for the Developer's application for Low-Income Housing Tax Credits be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-497

A Resolution establishing support for an application for low income tax credits, as required by the State of Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ABBEY SENIOR CARE

PUBLIC HEARING: ABBEY SENIOR CARE, L.L.C.; RESOLUTION OF SUPPORT FOR LOW-INCOME HOUSING TAX CREDIT APPLICATION. (DISTRICT VI)

Mark Stanberry

Housing Services Director reviewed the item.

Agenda Report No. 03-0694

Abbey Senior Care, L.L.C. (ASC), has requested a Resolution of Support from the City Council, in connection with an application for Low-Income Housing Tax Credits (LIHTC's) to be submitted to the State of Kansas. The State of Kansas requires developers to obtain a Resolution of Support from the local government, when applications are submitted for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted LIHTC policy, developers must present proposed projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). In addition, the Planning Department and the Office of Central Inspection review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing with a recommendation regarding the requested Resolution of Support.

The proposed project will be located at 1432 N. Waco. The site is known as "the Abbey", a former assisted living facility, which is now vacant. ASC plans a full-scale renovation of the facility, in order to offer an assisted-living environment for senior citizens requiring around-the-clock assistance. The facility will provide assistance with such things as medication, nutrition, housekeeping, maintenance and laundry. The project will not be a nursing home. Upon completion of renovation, the facility will offer 60 efficiency units for between \$416 and \$520 per month, depending on the client's income. The

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 127

facility will participate in a State program known as Home Community Based Services (H.C.B.S.). This program reimburses the facility for many of the aforementioned services, therefore allowing low-income clients to receive these services.

The renovation of the facility will include updating of the mechanical systems, including the heating, air conditioning, plumbing, fire sprinkling and electrical systems. Exterior upgrades will include repair of roofing as needed, site improvements/landscaping, repair/re-coating of the asphalt driveway and a fenced, outdoor gazebo gathering area. Interior improvements will include re-painting of the interior of each apartment and replacement of the floor coverings.

The City's adopted tax credit policy typically requires a set-aside of 20% of the units for market rate tenants. However, there is an exception to this policy in the event that the project is designed to serve special needs populations. This project will serve senior citizens and thus, ASC has requested waiver of the 20% market-rate unit requirement.

The project has been reviewed by the Housing Services Department, and has received recommendation for adoption of the Resolution of Support from the DAB, the HAB and the DCC, with waiver of the 20% market-rate unit requirement. Further, in accordance with City council Resolution No. R-95-479, the Developer has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment on the project.

Low Income Housing Tax Credits will be one component of the financing package for the proposed project. The City will not be participating in the project financing. The Total project cost is estimated to be approximately \$1.2 million. Funding in the amount of \$687,000 is anticipated from the sale of the tax credits. The balance will be funded with owner capital and/or bank financing.

City Council Resolution No. R-95-479 requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document will be approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and on one appeared.

Motion--

Fearey moved that the public hearing be closed; the Resolution of Support for the Developer's application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-498

A Resolution establishing support for an application for low income tax credits, as required by the State of Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

VERMILLION, INC.

REQUEST FOR A LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS AND EXTENSION OF IRB TAX EXEMPTION, VERMILLION, INC. (DISTRICT IV)

Allen Bell

Economic Development Director reviewed the item.

Agenda Report 03-0965

On March 17, 1998, the City Council approved the issuance of \$2,000,000 in Industrial Revenue Bonds, to Vermillion Incorporated. The proceeds from the sale of the bonds were used to finance the acquisition and renovation of an existing manufacturing facility located at 4754 S. Palisade in south Wichita. Vermillion is now requesting the City to issue a one-year Letter of Intent for IRBs in an amount of \$2,550,000. The bonds will be used to refund the outstanding Industrial Revenue Bonds, Series III, 1998, and the cost of acquiring, installing and constructing new equipment. The company also requests a five-year 100% property tax exemption on the new IRB financed property.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 128

In addition, with the original bond issue the company was granted a 100% ten-year property tax exemption with a payment-in-lieu-of taxes (PILOT) to be made by the company for the second five years. With the proposed new IRB issue, the company requests that the PILOT be eliminated, allowing for a second five-year property tax abatement on the real property. The extension of property tax abatement is subject to Vermillion fulfilling its original commitment to hire an additional 75 employees.

Vermillion, Inc. is a Wichita corporation, which manufactures electrical and communication cables and wire harness assemblies for the aerospace and military markets. The company has been in business in Wichita for over 30 years. Vermillion's products are sold to customers such as Boeing, Rockwell, Learjet, Raytheon, Vought Aircraft, Rockwell Collins, Honeywell Defense Lockheed Martin, Hamilton Sunstrand, Sikorsky, Sunstrand. Vermillion's products are sold throughout the U.S. A major use for Vermillion's products is for the upgrading of existing aircraft. To a lesser extent, the product is installed in new aircraft. Virtually all of Vermillion's products are used on aircraft sold to consumers outside of the State of Kansas.

The bonds will be underwritten and purchased by bond underwriting firm of Cooper Malone McClain, Inc. The firm of Hinkle, Eberhart & Elkouri, L.L.C. will serve as bond counsel in the transaction. The sources and uses of bond proceeds are as follows:

SOURCES OF FUNDS

Bond Proceeds	\$2,525,000
Less: Estimated Discount	(6,600)
Tenant Funds	<u>77,000</u>
Total Sources	\$2,595,400

USE OF BOND PROCEEDS

Principle Redemption –	Series 1998 Bonds	\$1,715,000
Investment Income –	Series 1998	26,081
Underwriting Costs		88,375
Costs of Equipment		735,000
Other Issuance Costs		30, 000
Contingency		<u>944</u>
Total Uses:		\$2,595,400

Vermillion currently employs approximately 96 people and anticipates adding another 46 employees within the next five years. Vermillion has a current approved EEO/AA Plan on file with the City's Purchasing Department.

Vermillion agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Vermillion is requesting a 100% abatement of ad valorem taxes for a five-year term on the property financed with bond proceeds. Under the City's Business Incentives Policy, Vermillion would qualify for a 100% tax abatement on the project.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.28 to one
Sedgwick County	2.35 to one
USD 259	2.83 to one
State of Kansas	10.29 to one

Bond documents needed for the issuance of the bonds will be prepared by Hinkle Elkouri Law Firm, L.L.C., the City's bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 129

Motion --

Gray moved that the issuance of Bonds, Letter of Intent to Vermillion Incorporated for Industrial Revenue Bonds in an amount not to exceed \$2,550,000 million for a one-year term, the 100% property tax abatement for a five-year term; and a second five-year tax exemption only on real property, be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES.

Kurt Schroeder

Central Inspection Superintendent reviewed the items.

Agenda Report 03-0966-1

On August 5, 2003 a report was submitted with respect to the dangerous and unsafe conditions on four (4) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on September 16, 2003.

On April 7, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on properties a, b, and c. On June 2, 2003 the BCSA held a hearing on property d, which was on the June 17, 2003 Consent Agenda. The hearing was set for August 5, 2003 however, prior to the hearing staff discovered that timely publication was not made according to State Statutes and it is now coming back before the Council for a hearing.

	<u>Property Address</u>	<u>Council District</u>
a.	617 North Grove	I
b.	932 North Ohio	I
c.	2027 North Grove	I
d.	3054 North Park Pl.	VI

Pursuant to State Statute the Resolutions were duly published twice on August 6, 2003 and August 13, 2003. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Kurt Schroeder

Kurt Schroeder reported that the first group of properties listed under 8a., there was a hearing that had been established previously for August 5, 2003. This was also a time when the City was changing the paper that does its publications with and found out right after the hearing that the publications had not been printed in a timely matter, so we had to reschedule this hearing again. There is someone here to speak on item a.) 617 North Grove, and did receive a letter from the property owner of item d.) 3054 North Park Place. Staff would recommend that the Council take the boards recommended actions on item b.) 932 North Ohio and c.) 2027 North Grove, which was to proceed with condemnation and removal of those structures.

Motion--

Brewer moved that on items b) 932 North Ohio and c) 2027 North Grove the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures be adopted; and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 16, 2003; (2) the structure(s) has/have been secured as September 16, 2003, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 16, 2003, and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official City paper and advise the owners of these findings. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 130

RESOLUTION NO. 03-500

Resolution finding that the structure described as: Lots 26-28, Moore's Second Addition, to Wichita, Sedgwick County, Kansas, commonly known as 932 North Ohio, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-501

Resolution finding that the structure described as: Lot 7, Block 5, Builders Second Addition, to Wichita, Sedgwick County, Kansas, commonly known as 2027 North Grove, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

617 North Grove

Kurt Schroeder

Superintendent of Central Inspection reported that the new owner, Jorge Biaz is present and has no problem with finishing the exterior repairs within 60-days. Within the 60-days, Mr. Biaz will also make a decision whether to repair the garage or have it removed. The taxes are current and the premises are clean and mowed. Staff is recommending that 60 days be given to Mr. Biaz to finish the work.

Motion--

Brewer moved that the public hearing be closed; the resolution declaring the building dangerous and unsafe structure be adopted; and the staff recommended action to allow 60 days to complete repairs be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 16, 2003; (2) the structure(s) has/have been secured as September 16, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 16, 2003 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official City paper and advise the owner of these findings. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-499

Resolution finding that the structure described as: Lots 53-55, Stites now Grove Avenue, Stites Bros. Second Addition, to Wichita, Sedgwick County, Kansas, commonly known as 617 North Grove, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

3054 North Park Place

Kurt Schroeder

Superintendent of Central Inspection reported that the owner Juvenal Fernandez, could not be here but had submitted a letter to OCI asking for an additional three to six-months to complete building a house on this foundation. Mr. Fernandez does not yet have his permits and does owe back taxes and specials. The total nuisance abatements and a recent pending abatement totals \$1260.00, which should be paid immediately according to the policy if any more time is given to Mr. Fernandez.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 131

Motion--

Fearey moved that the public hearing be closed; the resolution declaring the building dangerous and unsafe structure be adopted; and the staff recommended action to allow 60 days to complete repairs as long as the taxes and nuisance abatement fees are paid within one week, be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 16, 2003; (2) the structure(s) has/have been secured as September 16, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 16, 2003 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolution published once in the official City paper and advise the owner of these findings. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-502

Resolution finding that the structure described as: Lots 1-2, Block 27, Jones Park Addition to Wichita, Sedgwick County, Kansas, commonly known as 3054 North Park Pl., Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

Kurt Schroeder

Central Inspection Superintendent reviewed the item.

Agenda Report No. 03-0966-2

On August 5, 2003 a report was submitted with respect to the dangerous and unsafe conditions on seven (7) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on September 16, 2003.

On July 7, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on these properties.

	<u>Property Address</u>	<u>Council District</u>
a.	542 North Spruce	I
b.	655 North Estelle	I
c.	1631 North Minnesota	I
d.	1822 East 22nd St. N.	I
e.	149 South Mt. Carmel	IV
f.	2564 South Mosley	III
g.	1416-18 South Bluffview	III

Pursuant to State Statute the Resolutions were duly published twice on August 6, 2003, and August 13, 2003. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Kurt Schroeder

Kurt Schroeder stated that board had recommended to proceed with condemnation removal for items a.) 542 North Spruce; c.) 1631 North Minnesota; f.) 2564 South Mosley; and g.) 1416-18 South Bluffview.

Motion--

Brewer moved that on items a, c, f, and g, the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures be adopted and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 16, 2003; (2) the structure(s) has/have been secured as September 16, 2003, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 16, 2003, and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official City paper and advise the owners of these findings. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 132

(Later in the meeting, the owner appeared on Item c, and the Item was reconsidered. Action is shown below.)

RESOLUTION NO. 03-503

Resolution finding that the structure described as: Lots 22 and 24, on Spruce Street, Stites Bros Second Addition, to Wichita, Sedgwick County, Kansas, commonly known as 542 North Spruce, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-508

Resolution finding that the structure described as Lot 33, Block 1, Purcell's Third Addition, to Wichita, Sedgwick County, Kansas, commonly known as 2654 South Mosley, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-509

Resolution finding that the structure described as: Lot 26, Block G, in Hilltop Manor a replat of part of Hilltop Manor, Second Addition, to Wichita, Sedgwick County, Kansas, commonly known as 1416-18 South Bluffview, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

655 North Estelle

Kurt Schroeder

Superintendent of Central Inspection reported that the owner Mr. Claude McNeal, is present and is asking for additional time to pay off the six years of delinquent taxes which is approximately \$3400.00 and this is in tax foreclosure at this time. Kurt Schroeder stated that Mr. McNeal is asking for 30 to 45 days to get a deed in his name and to pay off a portion of these taxes to get it out of tax foreclosure. He is also asking for additional time after that to make the repairs to the structure. Kurt Schroeder reported that the roof is in terrible shape and there are some junk vehicles in the driveway and tall weeds and grass and volunteer trees in the back yard.

Claude McNeal

Mr. McNeal explained that he is one of seven owners of this property and he is working on trying to consolidate the property in one name so that he can proceed with the repairs and pay the taxes. Mr. McNeal stated that he has removed the abandoned vehicles off of the property and does maintain the front lawn. The back yard has trees that will probably have to be cut down. Mr. McNeal stated that he would like at least 60 days to get this completed and cannot pay the taxes within one week. Mr. McNeal stated that the first thing he will do is to consolidate the property so that he can move forward and after that he will apply for the loans to do the repairs. Mr. McNeal explained that he has approximately \$1,000.00 to get this property out of foreclosure and then pay \$100.00 to \$200.00 a month until he extinguishes the taxes.

Kurt Schroeder

Superintendent of Central Inspection explained that the City's policy is to have the taxes paid within seven to 14 days to make sure all of the taxes have been paid and the premises cleaned up and mowed within a maximum of 14 days. Stated that usually loans haven't been made to people whose houses get to this point regarding foreclosure.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 133

Motion--

Brewer moved that the public hearing be closed; the resolution declaring the building dangerous and unsafe structure be adopted and allow 90 days to complete repairs as long as the taxes are paid within 60 days. Any extensions of time granted to repair the structure would be conditioned on the following: (1) the structure(s) has/have been secured as September 16, 2003 and will continue to be kept secured, and (2) the premises are mowed and free of debris within 14 days of September 16, 2003 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official City paper and advise the owners of these findings. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-504

Resolution finding that the structure described as: Lots 77 and 79, on Mabel now Estelle Avenue, Mossman's Second Addition, to Wichita, Sedgwick County, Kansas, commonly known as 655 North Estelle, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

1631 North Minnesota

Kurt Schroeder

Kurt Schroeder reported that Damon Foley just arrived regarding the property at 1631 North Minnesota. Mr. Foley has provided a plan of action and has signed up for a neighborhood improvement services program. Mr. Foley has been incarcerated and was unable to occupy the house. The taxes are current on the property but there is a special assessment pending in the amount of \$850.61.

Damon Foley

Mr. Foley explained that he is trying to get funds through the Neighborhood Improvement Program. He is not able to pay the \$850.00 within the next 14 days and that once he occupies the house he should be able to complete the repairs to the house within 30 days.

Motion--

Brewer moved that the public hearing be closed; the resolution declaring the building dangerous and unsafe structure be adopted and the Staff recommended action to allow 14 days to pay the \$850.61 and to get the loan approved and to start working on the house and once this is completed an additional 60 days to complete repairs and to reverse the action that was taken previously. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 16, 2003; (2) the structure(s) has/have been secured as September 16, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 16, 2003 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official City paper and advise the owners of these findings.

--carried

Motion carried 7 to 0.

RESOLUTION NO. 03-505

Resolution finding that the structure described as: Lots 71 and 73, Block 7, Kansas Addition, to Wichita, Sedgwick County, Kansas, commonly known as 1631 North Minnesota, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

1822 East 22nd Street North

Kurt Schroeder

Superintendent of Central Inspection reported that the 2000 and 2001 taxes are delinquent in the amount of approximately \$511.00 and also pending special assessment for weed mowing that is due in the amount of \$243.00. The owners' son Terrence Page is present and is asking for 60 days to fix the exterior of the property.

Terrence Page

Mr. Page explained that he has been maintaining this property as far as boarding up the house and mowing the lawn. Mr. Page stated that regarding the unpaid taxes, his mother believed that they were current and he did not find out until this morning that there is a balance due. Mr. Page is asking for an

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 134

additional 30 days to get the finances arranged to get the roof repaired and will get the trees and weeds cut. Stated that he will need 14 days to pay the delinquent taxes and the special assessment.

Council Member Fearey momentarily left the bench.

Motion--

Brewer moved that the public hearing be closed; the resolution declaring the building dangerous and unsafe structure be adopted and the Staff recommended action to allow 14 days to pay the delinquent taxes and the special assessments and 90 days to get the house repaired. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 16, 2003; (2) the structure(s) has/have been secured as September 16, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 16, 2003 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official City paper and advise the owners of these findings

--carried

Motion carried 7 to 0.

RESOLUTION NO. 03-506

Resolution finding that the structure described as: Lot 14, Block D, Millair Addition, to Wichita, Sedgwick County, Kansas, commonly known as 1822 East 22nd Street, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

149 S. Mt. Carmel

Kurt Schroeder

Superintendent of Central Inspection reported that as of August 12th of this year, the new owner of this property has done an amazing amount of work. The taxes are current and the premises is in good shape. Kurt Schroeder is recommending 60 days to let the new owner fix this house up.

Council Member Brewer momentarily absent.

Motion--

Gray moved that the public hearing be closed; the resolution declaring the building dangerous and unsafe structure is adopted and the Staff recommended action to allow 60 days to complete the repairs. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 16, 2003; (2) the structure(s) has/have been secured as September 16, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 16, 2003 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official City paper and advise the owners of these findings for e.) 149 South Mt. Carmel. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-507

Resolution finding that the structure described as: Lots 26, 28 and 30, on Henry now Mt. Carmel Avenue, Smithson's Subdivision of Smithson's Addition, to Wichita, Sedgwick County, Kansas, commonly known as 149 South Mt. Carmel, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, introduced and under the rules laid over. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 135

AMNESTY PROG.

AMNESTY PROGRAM

Kay Gales

Court Administrator reviewed the item.

Council Member Paul Gray momentarily absent.

Agenda Report No. 03-0967

Currently, Municipal Court has nearly 18,000 parking, traffic, Health, Fire and Office of Central Inspection warrants waiting to be served. Those with warrants, in addition to the fines and costs associated with the underlying charge, are subject to arrest. Additional warrant fees are assessed upon arrest. To encourage citizens to voluntarily resolve these unpaid citations and to reduce the backlog of warrants, Municipal Court is proposing an Amnesty Week. This program will be similar to a successful Amnesty Week that occurred in 1997.

During the Amnesty period, the City of Wichita will forgive the warrant fee and eliminate an arrest for defendants who voluntarily appear and pay their fines and costs. A public awareness plan will be prepared by the Public Information Office to maximize the effectiveness of the program.

The Amnesty Program will be implemented as follows:

1. Names of individuals with outstanding traffic, parking, Health, Fire and Office of Central Inspection warrants will be published in the Sunday newspaper with the following information: Last Name, First Name, Date of Birth and Case/Citation Number. Inserts for the Sedgwick County area will total approximately 100,000 copies. Advertisements will be placed with community publications and radio spots will be purchased to promote the program prior to implementation.
2. During Amnesty Week, those eligible to participate must pay the fine and costs associated with the outstanding warrants. Municipal Court will offer extended hours during the 'Amnesty Week:' Monday through Friday from 7:00 a.m. until 7:00 p.m. and on Saturday from 9:00 a.m. until 5:00 p.m. The Amnesty Program is currently planned for October 20 through October 25, 2003.

The tabloid insert will be included in the Sunday edition of the Wichita Eagle on October 12 and will include approximately 15,000 names. A detailed description of the Amnesty Program will also be provided. Municipal Court warrants eligible for the Amnesty Program will include traffic, parking, Health, Fire and Office of Central Inspection warrants.

As defendants appear at City Hall for payment, a background check on all warrants issued (including bench warrants for failure to appear in court) in the defendant's name will be completed and payment requested and, if necessary, a court date set. Based on the initial amnesty program in 1997, Court anticipates 2,000 participants in the program. Warrant fees (generally \$15 to \$25) will be waived for program participants. Costs of the program will be the printing of the tabloid insert, advertising the program and overtime expenditures.

The Court Amnesty Program is projected to generate over \$50,000 net in collections.

The Law Department has participated in the development of the Amnesty Program and has prepared the Resolution.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the budget transfer of up to \$60,000 from the Municipal Court budget (or the General Fund reserves) to fund the Amnesty Program be approved and the Resolution be adopted. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 136

RESOLUTION NO. 03-510

A Resolution of the City Council of the City of Wichita, Kansas, establishing an amnesty program for certain outstanding warrants pending in the City of Wichita Municipal Court, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

2004 HEALTH INS.

2004 HEALTH INSURANCE PROGRAM.

Kelly Carpenter

Assistant Director of Finance reviewed the item.

Mayor Mayans left the Bench; Vice Mayor Fearey in the Chair.

Agenda Report No. 03-0968

The City uses a Health Insurance Advisory Committee (HIAC) to monitor health insurance programs for employees, and recommend new/renewal programs or changes in health coverage and cost, as required. The Committee includes representatives from the Fraternal Order of Police, International Association of Firefighters, Service Employees International, and Teamsters unions, as well as the (non-union) Employees Council and Management staff.

The current health insurance program was selected in 2001 and the Council approved coverage for 2001 through 2003 based upon a three-year rate guarantee. The monthly premiums for single and family coverage's, including vision and prescription drugs, are currently \$250.95 and \$704.36 respectively.

The current benefit program that expires at the end of 2003 is a combination: hospitalization/physician coverage through Preferred Health Systems Preferred Plus of Kansas; self-insured prescription drug with a contract administered by National Medical Health Card; and vision coverage through Vision Service Plan. In addition, the City offers two voluntary dental plans, a voluntary long-term disability plan, and a voluntary long-term care plan to employees. The entire cost of the voluntary plans is paid by employees.

A Request for Proposals process was reviewed and issued by the City for the 2004 hospitalization/physician benefit. An initial Request for Information was sent to eight potential carriers. Four responded favorably. A subsequent request for firm pricing on a plan of benefits was then issued. Pricing responses were received from only two insurance providers (Blue Cross/Blue Shield and Preferred Health Systems). Both proposals were comparable in pricing. Due to network differences, a major impact of a change to the Blue Cross/Blue Shield network would be the necessity for over 3,000 members (employees, spouses and dependents) to change primary care physicians. As a result, it was the recommendation of the Committee that the City continue negotiations with Preferred Health Systems.

To renew the entire plan with no changes in the insurance program would have required a rate increase exceeding 30%, with resulting premiums rates of \$323.36/single and \$907.23/family. Members of the Committee recognized the impact of this on both the City and employees. The Committee members are especially cognizant of the cost impact this type of increase will have on employees if the City changes its premium contribution from the current 80% to 75%. Accordingly, the Health Insurance Advisory Committee requested that City representatives meet with Preferred Health Systems in an attempt to negotiate lower rates with associated changes in co-pays, deductibles and coverage's.

Numerous negotiations were held and a number of options were reviewed by the Committee. The plan being recommended by the Committee will result in increasing treatment co-pays from \$10 to \$25. The hospital co-pays will increase from \$50 to \$100 per day with an individual maximum of \$500. Outpatient surgical procedures will require a \$100 co-pay in lieu of the current \$0 co-pay. Currently unlimited benefits will now have a maximum of \$500,000 annually and \$2,000,000 lifetime. While members of the HIAC, and the employee groups they represent, preferred not to make these changes in co-pays, deductibles and benefits, the majority understands that this is a partnership with the City and the employees needed to shoulder additional costs in an effort to arrive at a reasonable premium level.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 137

The HIAC recognized that while medical costs increased dramatically, there has not been an increase in physician and hospital co-pays since the City entered into a point of service plan in 1996.

HIAC members will review other benefit levels during 2004 in an effort to control future expenses for both the City and employees. Other items the committee will investigate include joint employee wellness/health fair with the County and School District and the potential of contracting with the health department to provide immunizations and other services at reduced expense to both the employees and the City.

The Committee further recommended that there be no change to the current prescription drug or vision benefit providers. The prescription drug benefit is self insured by the City. The vision program is fully insured through Vision Service Plan.

The premiums for voluntary Dental, Long Term Disability, and Long Term Care coverage's are entirely paid by employees.

The quotes to renew coverage with the same level of co-pays and deductibles would require total monthly premiums of \$323.26/single and \$907.23/family.

OPTION 1. Through negotiations and increases in co-pays and deductibles, a health plan was created that can be funded for a total premium of \$306.12/single and \$855.81/family and is recommended by all members of the Health Insurance Advisory Committee but one. It is the expressed hope of the Health Insurance Advisory Committee that approval of this plan moderating the premium increase and passing on some increased costs for utilization and moderate reductions in benefits will allow the governing body to consider maintaining the current 80%/20% premium split.

Council approval of the recommended plan, maintaining an 80%/20% premium split, would result in a premium increase for both the City and employees of just under 22%. Employees that utilize health care will also bear the additional expense of increased co-pays and deductibles.

The table below summarizes monthly premiums for the proposed action on health insurance before the City Council (Option 1):

2003 Insurance Premiums			2004 Insurance Premiums		
City Share	Employee Share		City Share	Employee Share	
80%	20%		75%	25%	
Single	200.76	50.19	229.59	76.53	244.89
Family	563.49	140.87	641.86	213.95	684.65

OPTION 2. Council approval to renew the current plan of benefits, with reduced City contributions of 75%, will result in a premium increase for the City of approximately 21%. The employee premium would increase approximately 61% in order to maintain the current level of contracted benefits. The Fire Union representative was the only member of the Health Insurance Advisory Committee to recommend this option. [Note: The price quote for this option was for the entire City workforce in one plan. If Fire employees were to be segmented into a separate plan with separate co-pays/deductibles/benefits, it would require seeking a separate cost analysis and rate structure solely and only for Fire employees, spouses and dependents.]

Council Member Gray Council Member Gray commented that the plan does not offer an option for those who are married with no children and a lot of people feel that they are paying too much and the City is paying too much for services and not having that option.

Kathy Holdeman Assistant City Manager explained that this issue has been discussed before but not discussed this year for the 2004 coverage and according to the Risk Manager, the committee derived the best value from only two tiers of service, the individual rate and the family rate. Rather than breaking that down, the committee has pursued along the line of only having two tiers of coverage because of the cost associated with that, limited it to the two tiers.

Mayor Mayans returned to the Bench.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 138

- Harold Schlechtweg Business Representative for the Service Employee Union stated that the union is supporting the insurance committees recommendation and that they had extensive discussions with employees first.
- Mayor Mayans Mayor Mayans inquired if anyone wished to speak and no one appeared.
- Council Member Martz Council Member Martz stated that a concern of his has always been how to keep insurance rates down. Stated that first the carrier has a responsibility to cover our expenses as the employee when they have a medical cost to pay for those expenses. They also have a responsibility to turn a profit for their share-holders so they cannot run at a negative. Stated that it becomes a joint effort across the board for everyone and that utilization of the plan is a direct bearing on how the premiums are going to be. Stated that in the future the City may need to look at other types of plans because of cost overruns, look at different types of deductibles and co-insurances. Council Member Martz stated that this plan is an outstanding plan for all of the employees of the City.
- Mayor Mayans Mayor Mayans inquired as to why the committee would not want this system to be open and create more competition for the program.
- Kelly Carpenter Assistant Director of Finance explained that this was sent out to eight providers and only received four back that were interested as far as going on to the second process. When they sent out those four only two actually wanted to bid or price out the services. Explained that they put their request for proposal out on the Internet and advertised in the paper.
- Kathy Holdeman Assistant City Manager explained that in this market there are only two companies that chose to respond to the RFP and they are Blue Cross Blue Shield and PPK. Stated that this is a difficult thing that they face in the market. Stated that the Risk Manager did send out requests for interest from other companies and no one but the two wanted to bid in this market and this is why the competition is not that great. Explained that the Risk Manager is very critical in assessing the market and working and understanding what the networks are in our marketplace. The Risk Manager plays a role of informing the committee of the options that are available and helping understand the coverage levels and working through the thought process of reducing our coverage so that we can keep our costs down.
- Council Member Martz Council Member Martz explained that health insurance for this type of group is very difficult to get open bids because a good portion of people under this plan, are under an HMO. The HMO's are limited on the number of carriers and Blue Cross Blue Shield and PPK are the only two major ones in the City and once the City of Wichita went away from a conventional plan it limited the number of companies that were in that market. The length of contract is a major problem because to get some carriers to bid and if they know they are only going to be in the market for two or three years, they will not bid on it, which also has eliminated the number of carriers.
- Motion-- Lambke moved that the recommendation of the Health Insurance Advisory Committee be accepted, Option #1 to select Preferred Health Systems as the hospitalization/physician service provider, with the modifications in co-pays/deductibles/benefits to retain the existing drug and vision programs be approved and the necessary signatures be authorized. Motion carried 7 to 0.
- carried
- PLANEVIEW LIB. PLANEVIEW LIBRARY MEMORANDUM OF AGREEMENT. (DISTRICT III)**
- Cynthia Berner-Harris Director of Library reviewed the item.
- Agenda Report No. 03-0969
- As part of budget reduction scenarios developed in early 2003, the Library identified suspension of operation of the Planeview Branch Library as one way to reduce expenditures. The branch ceased operation at the end of March on a planned phase out of service developed in conjunction with school district staff. At the urging of school personnel and with the encouragement of City Council, a review of this service reduction was completed and a plan devised where public library service for the Planeview neighborhood can be resumed without incurring many of the ongoing costs of the original operation. Members of City Council, the School Board and the Library Board of Directors have met with staff to develop a memorandum of agreement to guide operation of the re-opened facility.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 139

In lieu of operating two distinct libraries from a shared facility, the agreement proposes that the school district open the Colvin Elementary School library to the community in partnership with the City of Wichita through the Wichita Public Library. The school district will be responsible for the majority of the library's operational expenses. Circulation activities will be conducted through the school district's library automation system. Staff from the library and school will coordinate activities related to the selection and purchase of library materials and will develop policies and procedures as required to facilitate delivery of information service in conjunction with Wichita Public Library locations.

The agreement assumes reinstatement of the materials budget for the Planeview Library (\$4150 for 2003 revised, \$5000 for 2004). All other former expenses will be assumed by the school district.

Mayor Mayans

Mayor Mayans inquired if anyone wished to speak.

Karen Betcher

Principal of Colvin Elementary School thanked the City for their cooperation and collaboration with the Colvin staff and school district.

Motion--

--carried

Lambke moved that the plans for service delivery be endorsed; the memorandum of Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

SIGNAGE

ADVERTISING SIGNAGE ON CITY-OWNED PROPERTY.

Chris Cherches

City Manager reviewed the item.

Agenda Report No. 03-0970

The current City policy is not to allow placement of advertisement structures on City-owned property. The City Code governs the location, size, height, distance from property lines, etc. of such signs on private property. This agenda item pertains to whether or not the City Council wishes to alter the current policy to allow such advertisement structures on City property.

From time to time, the City has been approached by advertising companies offer, to lease City-owned property to place billboards and other signage. Allowing the placement of such advertisement structures on select properties in commercial or industrial areas might be a source of revenue to the City. Staff would not recommend a policy where an unrestricted placement and proliferation of signs and other highly visible structures in the urban environment could be considered an unattractive or negatively impacting the subject and adjacent properties.

The Development Coordination Committee (DCC), consisting of senior City staff, have reviewed such proposals and recommends the City Council consider whether or not it wishes to change the current policy to allow sign placements on City property. If the City Council desires to allow the placement of advertising signs on City property, staff could develop a written policy and procedure in keeping with City codes and standards for signs on private property.

Financial Considerations: Lease rates for advertising signs range from \$500 to \$1,200 per month, depending on size and location. Placement of signs on private property depends on zoning and spacing of signs where zoning permits.

If a policy is developed to permit the placement of signs, it cannot regulate content and it must be administered in a manner that permits open competition for space by all interested parties.

Council Member Gray

Council Member Gray inquired if there were any way of putting together the criteria to allow this by putting safeguards to limit the number of billboard signs on the major thoroughfares, namely Kellogg.

Chris Cherches

City Manager explained that even on Kellogg there are certain setbacks required including distances. If Council is open to changing this policy, Staff could bring back a draft policy for Council consideration implementing or overlaying the current code requirements. The current sign policy allows billboards to be on commercial and industrial sites only.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 140

Motion-- Lambke moved that the City Council determine if it wishes to retain the current prohibition or change the policy to allow advertising signs on City property.

Council Member Fearey Council Member Fearey expressed her concerns regarding this issue. Stated that she does not mind Staff coming back with more information.

--carried Motion carried 7 to 0.

EMPLOYEE ASSIST. EMPLOYEE ASSISTANCE PROGRAM.

Karen Marshall Personnel Director

Council Member Martz momentarily absent.

Agenda Report No. 03-0971

The City of Wichita helped to pioneer the EAP concept in 1984. Except for a brief period, EMPAC has provided these services. EMPAC provides counseling for referral to sources of assistance for employees and their families for the categories of personal problems that can affect their lives and workplace productivity. These include emotional, financial, substance abuse, marital and family relations, and other related problems. EMPAC also provides Substance Abuse Professional (SAP) services as mandated by the DOT substance abuse and testing regulations.

EMPAC is a unique nonprofit consortium funded by employers with a Board of Directors composed of member employer representatives. There are currently 69 members covering 35,000 employees.

To update and reestablish a contractual relationship, and because the same provider has been used for many years, the City of Wichita issued a Request for Proposal (RFP) for the EAP.

A selection committee composed of staff from the Department of Finance and the Personnel Division reviewed the proposals. The Recommendation is based on the completeness of response, the pricing of the services, and the stated capabilities of the responders.

EMPAC offered the same basic service at no change from the current per employee rate - \$9.50 per year. The total fee is \$29,450, an increase of \$2,830 because of a long-overdue adjustment from 2800 employees to the current 3100. The City has had no significant problems or complaints regarding EMPAC. The other local vendor proposals quoted higher rates and show significant deficiencies in their programs. The out-of-state proposals were impressive packages, but state much higher fees that are unaffordable at this time. The committee also feels that there are advantages to having a local provider that knows the community and resources available in great detail.

The total fee for this program is \$29,450, to be paid from Risk Management funds.

Mayor Mayans Mayor Mayans inquired if anyone wished to speak no one appeared.

Motion-- Gray moved Contract with EMPAC be approved and the necessary signatures be authorized. Motion carried 7 to 0.
--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 141

(Addendum 13A)
WATERWALK

APPROVAL OF REVISED WATERWALK MASTER PLAN AND STAR BOND AREA. (DISTRICT I)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 03-1002

On September 10, 2002, the City Council approved the Development Agreement and Master Plan for the WaterWalk Redevelopment Project in the East Bank Redevelopment District in Downtown Wichita. On March 25, 2003, the City Council approved a revision of the Site Plan in the Development Agreement, which calls for the vacation of Lewis Street within the project area and the construction of a new street connecting Waterman and Lewis streets. Since that time, the Developer has continued to refine the master plan for the development of the area as it continues to analyze the local market conditions and as new opportunities are presented. The Developer is engaged in negotiations with a major national destination retail company to locate a 100,000 square-foot store within the project area. The Developer, in conjunction with the City, the Chamber, the Downtown Development Corporation and area legislators, worked to secure legislative approval of the use STAR bonds as a financing mechanism for this type of project. The Developer has requested that the City Council approve the revised master plan for the WaterWalk Project and designate the STAR bond area.

The Development Plan contained in the Development Agreement reflects the original master plan for development of the WaterWalk project area, which includes two distinct phases of both public improvements and private developments, as well as separate structures for parking, residential and office buildings. The original master plan did not anticipate the presence of the major national destination retail store in the project. The proposed revised master plan incorporates the national destination retail store and the approved changes to Lewis and Waterman streets. In the revised master plan, two mixed-use structures integrate parking, retail, office and residential uses, while a third building incorporates a parking structure with street-front and waterway-level retail space and a multi-level office building.

Because of additional surface parking requirements (stemming from the national destination retail store), the revised master plan has increased the project area to include the area on the West Bank adjacent to the Ice Sports Center at Maple and McLean and area under the Kellogg "fly-over." The proposed STAR bond area is the area in which new sales tax revenues will be captured to repay STAR bonds, and the area in which STAR bond proceeds may be used to finance eligible project costs. The proposed STAR bond area includes the Century II area and an area on the east side of Main Street south of Waterman, in addition to the WaterWalk project area.

The designation of the STAR bond area is needed in order to prepare the STAR bond plan and the application to the Kansas Secretary of Commerce for the authority to issue star bonds for this project. The enabling legislation passed by the 2003 Legislature requires that a market impact study be conducted to show the impact of the STAR bond-financed project on similar businesses in the local market area. The Department of Commerce is developing a model to be used in this study. The Developer wishes to be ready to apply for STAR bonds as soon as possible and believes the designation of the STAR bond area will facilitate that process.

According to the Developer, the estimated costs of the public improvements to be funded by the City have not changed. Based on cost estimates and timing considerations relating to the private developments, the estimated amount of tax increment financing that could be used to finance public improvements is relatively unchanged by the revised master plan. The amount of STAR bond financing available to finance costs associated with the national destination retail store is not known at this time.

The approved Development Agreement contains several provisions that are potentially impacted by the revised master plan, including the development plan, development budget, phasing schedule and project site plan. For the revised master plan to be implemented, the Development Agreement must be amended.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 142

It is recommended that the City Council approve the Star Bond area and approve the revised "master plan" in concept, subject to amendment of the Development Agreement to reflect necessary changes to the Development Plan; or take desired action.

- Gary Rebenstorf Director of Law explained that there would have to be a review of the agreement to see what changes are needed to conform to the new site plan.
- Council Member Martz Council Member Martz stated that he does not have any documents before him and is being asked to vote today on a revised master plan.
- Allen Bell Director of Economic Development stated that as far as he knows there is not a document that bears the title of revised master plan. The revised master plan was presented in a power point presentation sometime earlier.
- Mayor Mayans Mayor Mayans stated that the Council is being asked to vote on changes to the master plan and we, the Council, do not know what those changes are.
- Council Member Schlapp Council Member Schlapp stated that they are not asking to change the City's commitment to the project. It is just redefining further the area that they are going to request star bonds to be used for.
- Mayor Mayans Mayor Mayans inquired as to who is going to pay for the additional surface-parking requirement.
- Allen Bell Director of Economic Development explained that the surface parking would be part of the star bond financing. The action before the Council does not call for the approval of star bond financing which will be a subsequent step.
- Mayor Mayans Mayor Mayans stated that we have an agreement with the developers and now they are requesting that we change the agreement. The City would not be liable for an agreement that has been superseded by a different agreement because it is not the original contract that this Council originally voted on. Mayor Mayans inquired if this would be accurate.
- Gary Rebenstorf Director of Law explained that from a legal standpoint there is currently an agreement between the two parties. If the Council wants to agree to the request by the developers to change in concept the site, in order to do that you would have to amend the agreement you currently have so that it reflects what the current site would be.
- Mayor Mayans Mayor Mayans inquired if the City should have a letter of intent, showing that businesses will be coming to Wichita.
- Allen Bell Director of Economic Development stated that he thinks that everyone involved would be very grateful to have a letter of intent as soon as possible.
- Council Member Gray Council Member Gray stated that the Mayor has initiated an action to renegotiate some of the financial portions of this contract and if the master plan were approved today, would that negate the ability of the Mayor and Council to further those negotiations to change the financial terms.
- Allen Bell Director of Economic Development explained that it would not because it would be necessary to come back with some technical amendments to the development agreement, which would have to reflect any renegotiation of the financial terms of the agreement.
- Council Member Gray Council Member Gray stated that his type of business which is the development industry, change their plans often. Feels that there is a fear that this is not going to be a healthy project and because of that the City would like what is best and at the same time the developers want what is best for this project, so they are going to adjust and alter the cosmetic appearances, the master plan to adjust to the market and the desires of the community in the surrounding area. It is in the best interest of the Council to be willing to understand that changes to the master plan is a good thing and the change is for the better more often then not.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 143

- Mayor Mayans Mayor Mayans inquired as to way it is so important to approve this right now when the Department of Commerce has not fully developed the model to be used on the impact study.
- Allen Bell Director of Economic Development explained this was not staff initiative to place this item on the agenda at this time and that the developers could address the urgency of requesting the action at this time.
- Council Member Gray Council Member Gray stated that no one has taken into consideration the additional jobs that would be generated in this area and the salaries that would contribute to the tax rolls.
- Mayor Mayans Mayor Mayans inquired if anyone wished to speak.
- Tom Johnson President of Waterwalk, LLC, stated that they are looking for a vote of confidence to move this project forward. They are not asking the Council to approve star bonds, that will come in a separate issue, which he will have to go through the Department of Commerce and make that application. They are asking that the Council approve the star bond area so that they can begin to work with the consultants and the Department of Commerce to make that application and move this project forward. There are no other changes in the development agreement that may affect the financing or the terms; this is just a straight continuation of the agreement. The existing development agreement does allow for changes in the master plan and over the course of this project they will be making a number of changes that reflect the market and the best interest of not only the private sector investment but the public sector as well.
- Mayor Mayans Mayor Mayans stated that several issues have been raised here today. He does not want to address Waterwalk every week with a different plan, different item or different area for approval. Stated that he does not see that time is of the essence since the Department of Commerce is not ready to have a plan and there are questions lingering regarding star bond and the sales tax revenue. Lack of information dealing with the development budget and new questions regarding the destination source tax, no letter of intent and no movement on any kind on restructuring of the financing of the development, he will not be supporting this motion today for the reasons he has stated.
- Motion-- Martz moved to defer action on this item until the Department of Commerce has their plan and receive a letter of intent from Bass Pro. Yeas: Lambke, Martz, Mayans. Nays: Brewer, Fearey, Gray, Schlapp.
- failed Motion failed 4-3.
- Motion-- Gray moved to approve the star bond district but defer action on the master plan with no specific time limit to allow these individuals to take their application to the State and begin working down that avenue because the State will have their own timelines to deal with.
- Wyatt Hope Mr. Hope, who is representing the developers, explained that approval of the star bond district is a practical matter, which is very necessary to keep the process moving along. Does not know what the Department of Commerce's recommendations are going to look like but need to be prepared so that when those recommendations are received they are already in process and can submit the application as soon as possible. Regarding the affect of the development agreement, the agreement does anticipate that there will be revisions to the agreement in the development area. It obligates both parties to negotiate in good faith and to work toward a reasonable accommodation of what happens during this development period. Stated that he feels it is important to keep this moving along. The developers have worked hard and made a presentation to the Council of what the revised master plan for the development looks like and explained the rationale for that. They have a major anchor tenant that is waiting on a signal from the Council that this is ready to proceed. They are at a point where they need to have the cooperation on this public/private partnership to be able to move it forward and this is what they are asking for.
- Council Member Fearey Council Member Fearey inquired that if the Council does not go ahead and approve the revised master plan today, will it have an affect on the anchor tenant coming to Wichita.
- Tom Johnson President of Waterwalk LLC, stated that it is difficult to say what the impact will be. They have been involved with this anchor tenant since last spring and through this whole process negative messages have been sent out with regard to the viability of this project. If we go forward not only for the major destination retailer but for a number of local and regional retailers and office users they have talked to, a vote of confidence is very important in making a statement that this in fact is a viable project. Stated

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 144

that he understands that there are additional decisions that will come before this Council over the course of the next few months, but this is the first step in moving this project forward. Would like to make a statement that this Council supports moving this project forward and the approval of the master plan will help do that along with the star bond project area.

Council Member Gray Council Member Gray inquired that if the master plan were approved today would it secure a letter of intent from Bass Pro.

Tom Johnson President of Waterwalk LLC stated no, but it would make a great step forward in doing so. There is still a number of deal points which is a part of that process and one of them is that there is a financial contingency that has to do with star bonds and in order for all of this to come together the steps need to be made from the same direction. It is a star bond decision that will be made from this Council at some point in the future. There are two steps that have to occur before we move forward with star bonds and as a requirement of the legislation we have to have an approved master plan and an approved star bond area before they can make that application.

Amend. to Motion-- Gray moved an amendment to the motion with consent of the second, that the Star Bond Area and the revised "master plan" in concept, subject to amendment of the Development Agreement to reflect necessary changes to the Development Plan be approved.

Council Member Brewer Council Member Brewer stated that we are sending out the message that Wichita is a City that is moving forward and advancing in economic development and creating jobs and this is the place that you want to be. We are sending this message out to various businesses throughout the world telling them to come to Wichita and we will give you that opportunity. Stated that we are saying one thing but our actions are reflecting something different. We are watching what is going on with Tulsa and Tulsa is a competitor of ours and the City of Wichita is a business and anytime you are courting other businesses or supporters, you have to go to those entities and show them that you are willing to receive them with open arms. Stated that he is not so sure that we are doing that. We have put together a task force on Economic Development to go out there and work with the State but then we send out a different message. If we do not start thinking outside of the circle then we are not going to have to worry because we are not going to use the land and no businesses will come here.

Mayor Mayans Mayor Mayans stated that he has also been reading about Tulsa and that one of the differences is that Tulsa has a comprehensive plan and that we need to develop a comprehensive plan before moving forward. It has never been his impression that the destination retailer is waiting on us and that the comments and questions by those who question the financial integrity, are not meant to be negative messages that the Council is sending outside of this community.

--carried Amended Motion carried 4 to 3. Yeas: Brewer, Fearey, Gray, Schlapp. Nays: Lambke, Martz, Mayans.

CITY COUNCIL AGENDA

OFF AGENDA ITEM Brewer stated that we have various city employees who come before the city to receive an award for their achievements or for retiring and that each year the City Manager has had some type of event for Employee Appreciation Week. Would like to see this continued and make sure that we have it this year.

Chris Cherches City Manager explained that there is a modified Employee Appreciation Week. Some of the funds were diminished because of significant budget cuts and were not planning on an entire week for this year.

APPOINTMENT

BOARD APPOINTMENTS.

Motion-- Mayans moved that the appointments of Lt. Riley Williams - Police and Fireman Board and to accept Lt. Williams' resignation from the Housing Board (Brewer); and Dwight Greenley - Board of Zoning Appeals (Mayans) be approved. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 145

MUN. CT. JUDGE

APPOINTMENTS TO MUNICIPAL COURT JUDGE EVALUATION COMMITTEE.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 03-0972

The City Council Policy on the Evaluation Procedures for Wichita Municipal Court Judges provides the procedure for establishing an Evaluation Committee. The Evaluation Committee is composed of two City Council members, a Sedgwick County District Court Judge, the Wichita Bar Association President, and a member of the public.

Appointment of the Evaluation Committee is necessary to conduct the evaluation of judges. Sue Schlapp and Carl Brewer are the City Council members of the Committee. Dr. Biff Green, President of Friends University, is proposed as the public member, Sedgwick County District Court Judge Clark Owens is proposed as the District Court Judge member, and John E. Foulston, the current President of the Wichita Bar Association, is proposed as the Bar Association member.

Motion--
--carried

Mayans moved that the members to Municipal Court Judge Evaluation Committee as proposed be appointed. Motion carried 7 to 0.

CONSENT AGENDA

Motion--
--carried

Mayans moved that the Consent Agenda (including Addendum #17A) be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 15, 2003.

Bids were opened September 12, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Kellogg (US 54) and Rock Road Interchange Part 3: Pump Station (468-83638/702325/401342) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Wildcat Construction - \$1,768,000.00

2003 sanitary sewer reconstruction, Phase 8 (Various Locations) - east of Seneca, north of 31st Street South. (468-83683/620386/663507) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV, VI)

WB Carter Construction - \$153,131.00

2003 sanitary sewer rehabilitation, Phase D (Various Locations) - north of 47th Street South, east of Meridian. (468-83684/620385/663506) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV, VI)

Insituform Technologies - \$128,451.00

Barton Creek from the north line of the Plat, south and east to Barton Creek Circle; Barton Creek Circle from the north line of Barton Creek south to and including the cul-de-sac to serve Willowbend North Estates Second Addition - south of 45th Street North, west of Rock. (472-83833/765816/490927) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$171,829.25

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 146

Lateral 65, Main 4 Southwest Interceptor Sewer - along Socora, north of Maple. (468-83503/743945/480633) Traffic to be maintained during construction using flagpersons and barricades. (District V)

WB Carter Construction - \$55,000.00

Water distribution system to serve Wilson Farms Fourth Addition - south of 21st Street North, west of Webb. (448-89875/735145/470815) Does not affect existing traffic. (District II)

K C Excavating - \$20,878.00

Left and right turn Lanes on 13th Street, including the relocation of electrical transmission lines to serve The Waterfront Addition and adjacent tracts - north of 13th, east of Webb. (472-83699 & 448-89878/765798/490909) Does not affect existing traffic. (District II)

Cornejo & Sons Inc. - \$211,080.11

Lateral 354 Four Mile Creek Sewer to serve Crystal Creek Addition - north of Harry, west of Greenwich. (468-83677/744007/480695) AND Lateral 355 Four Mile Creek Sewer to serve Crystal Creek Addition - north of Harry, west of Greenwich. (468-83678/744008/480696) Does not affect existing traffic. (District II)

McCullough Excavation - \$150,550.00 (Total Aggregate Bid)

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Carpet Replacement Concourse Airline.

Total Installation Management Specialist - \$97,500.00 (Total net bid)

FIRE DEPARTMENT/FIRE MAINTENANCE DIVISION: Motorola XTS5000 Portable Radios and Accessories (10 each).

Motorola, Inc.* - \$44,931.10 (State of Kansas Contract #28440800 MHz Motorola Radios)

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

Motion--
--carried

Mayans moved that the report be received and filed, the Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Dennis Grady	Wichita Canteen Company, Inc.*	1845 South Fairmount
Maria E. Maskrid	El Matador Lounge	2033 South Broadway

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

(Addendum 17A)

CMB

APPLICATION FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES.

Special Events

Wayne Howdenshell

September 20, 2003

Wichita Sister Cities Salsa Dance 1150 North Broadway

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 147

September 27, 2003

John E. Thien

Bar-B-Q & Chili Cook-off

230 North Mosley

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) Twinlake Drive from the west line Creekside Lane to the north line Laguna; Twinlake Court from the north line Twlinlake Drive to and including the cul-de-sac; Watson/Laguna from the west line Creekside Lane to the west line 159th Street East; Morris from the south line Lot 24, Block 9 to the north line Clear Creek Addition; Laguna from the south line of Lot 18, Block 1 to the south line Laguna to serve Clear Creek Addition - west of 143rd Street East, south of Kellogg. (472-83743/765801 /490912) Does not affect existing traffic. (District II) - \$512,000
- b) Lateral 6, Main 8 Southwest Interceptor Sewer to serve Savannah Place Addition - south of Maple, west of Tyler. (468-83229/744002/480690) Does not affect existing traffic. (District V) - \$13,000
- c) Lateral 1, Main 13, Sanitary Sewer #23 to serve KDOT - east of Hillside, south of 53rd Street North (468-83456/743944/480632) Traffic to be maintained using flagpersons and barricades. (District I) - \$200,000
- d) Westlake Parkway (Phase 1) from the west line of Tyler to the west line of Den Hollow to serve Fox Ridge Addition - north of 29th Street north between Maize and Tyler. (472-83784/765810/490921) Does not affect existing traffic. (District V) - \$91,000
- e) Westlake Parkway (Phase 2) from the east line of Lot 174, Block 1 to 80 feet west of the west line of Lot 33, Block 5 to serve Fox Ridge Addition - north of 29th Street north between Maize and Tyler. (472-83813/765811/490922) Does not affect existing traffic. (District V) - \$145,000
- f) Westlake Parkway (Phase 3) from 80 feet west of the west line of Lot 33, Block 5 to the west line of Lot 146, Block 1 to serve Fox Ridge Addition - north of 29th Street north between Maize and Tyler. (472-83814/765812/490923) Does not affect existing traffic. (District V) - \$210,000
- g) 2003 condemned sidewalk & wheelchair ramps - north of 55th Street South, east of 135th Street West. (472-83834/132100/) Traffic to be maintained during construction using flagpersons and barricades. (All Districts) - \$161,580
- h) Wheatridge from the south line of Walker to the to 200' north of the north line of Lynndale; Hornecker from the north line of US Highway 54 to the south line of Lynndale; Lynndale from 118.25' west to the west line of Hornecker to the west line of 119th Street West; Walker from the east line of Hornecker to the west line of Wheatridge; Rogers from the north line of Walker to the south line of Lynndale; Irving from the east line of Hornecker to the west line of Rogers to serve Wheatridge; C. Pate Addition to Wheatridge; Bledsoe; Bolton; Friess; Wells Acre; Unplatted Tracts - north of Kellogg, west of 119th Street West. (472-83684/765772/490883) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$605,050
- i) Lateral 67, Main 9, Sanitary Sewer #23 to serve Willowbend North Estates Second Addition - south of 43rd Street North, west of Rock. (468-83686/744003/480691) Does not affect existing traffic. (District II) - \$101,000
- j) Water distribution system (Phase 1) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89833/735140/470810) Does not affect existing traffic. (District V) - \$56,000
- k) Water distribution system (Phase 2) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89834/735141/470811) Does not affect existing traffic. (District V) - \$61,000

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 148

- l) Water distribution system (Phase 3) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89835/835142/470812) Does not affect existing traffic. (District V) - \$35,000
- m) Reed's Cove from the east line of 127th Street East to the west line of Reed's Cove Court; Sidewalk on both sides of Reed's Cove from the east line of 127th Street East to the west line of Reed's Cove Court to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83760/765796/490907) Does not affect existing traffic. (District II) - \$188,000
- n) Peckham from the north line of Lot 13, Block 3 to Reed's Cove; Peckham Court serving Lots 59 thru 69, Block 2 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83761/765797/490908) Does not affect existing traffic. (District II) - \$160,000
- o) Water distribution system to serve Willowbend North Estates Second Addition - south of 43rd Street North, west of Rock. (448-89865/735144/470814) Does not affect existing traffic. (District II) - \$45,000
- p) 37th & Ohio Soccer Field Development, Parking Lot Phase to serve Bridgeport Third Addition - south of 37th Street North, west of Hydraulic. (472-83738/785039/393171) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$300,000
- q) Storm Water Drain #206 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83651/751341/485232) Does not affect existing traffic. (District V) - \$91,000
- r) Storm Water Drain #210 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83670/751343/485234) Does not affect existing traffic. (District V) - \$145,000
- s) Storm Water Drain #211 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83671/751344/485235) Does not affect existing traffic. (District V) - \$178,000
- t) 2003 Wheelchair Ramp and Sidewalk, Phase 3 (Arterial Sidewalk) - north of 47th Street South, east of 119th Street West. (472-83660/706828/706847/202294/203313) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,V) - \$102,800
- u) Lateral 86, Main 22 War Industries Sewer to serve Wilson Farms 4th Addition - south of 21st Street North, west of Webb. (468-83696/744006/480694) Does not affect existing traffic. (District II) - \$122,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

PETITIONS

STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE REED'S COVE ADDITION, SOUTH OF 21ST, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 03-0973

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, and water distribution systems to a new residential development located south of 21st, east of 127th Street East.

The Petitions total \$820,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 149

RESOLUTION NO. 03-511

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89852 (south of 21st Street, East of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-512

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89853 (south of 21st Street, East of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-513

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 14, Four Mile Creek Sewer, 464-83567 (south of 21st Street, East of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-514

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 14, Four Mile Creek, 468-83568, (south of 21st Street, East of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-515

Resolution of findings of advisability and Resolution authorizing improving Reeds' Cove Court; Bridlewood from the west line of Lot 11, Block 3 to the west line of Glenwood; Bridlewood Court; Glenwood Circle from the south line of Lot 6, Block 2 and including the cul-de-sac, 472-83771 (south of 21st Street, East of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE TARA FALLS ADDITION, SOUTH OF HARRY, EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 03-0974

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, and water service to a new residential development located south of Harry, east of Greenwich.

The Petitions total \$445,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 150

RESOLUTION NO. 03-516

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89880 (south of Harry, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-517

Resolution of findings of advisability and Resolution authorizing construction of Lateral 357, Four Mile Creek Sewer, 468-83706 (south of Harry, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-518

Resolution of findings of advisability and resolution authorizing improving Andrea, from the west line of Lot 3, Block e to the west line of 123rd Street East; Andrea court (Lots 56-64, Block A) from the north line of Andrea to and including cul-de-sac; Andrea court (Lots 12-22, Block E) from the south line of Andrea to and including cul-de-sac; Andrea Court (Lots 7-12, Block E) from the east line of Andrea Court to and including cul-de-sac, and Tara Falls court (Lots 28-42, Block E), from the east line of Tara Falls to and including cul-de-sac, (south of Harry, east of Greenwich) 472-83848, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 03-1003

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

1. National Conference for Community and Justice “Walk As One” Walkathon –
Sunday, October 4 – 11:00 a.m. – 4:00 p.m.
Wichita Street from Waterman to Lewis.
2. Delano Fall Fair, Sunday, October 12, 7:00 a.m. – 6:00 p.m.
--Douglas Street between McLean & Seneca
--McLean, from Second Street to Maple
--Douglas, from Waco to Seneca
--Sycamore at Texas
--Texas at Oak, Handley, Walnut
--First at Osage, Handley, Walnut

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 151

Motion--

Mayans moved that the requests be approved subject to: (1) Event sponsors notifying every property and or business adjoining any portion of the closed streets (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting Certificates of Insurance evidencing general liability insurance which covers the events and related activities, including the naming of the City as an additional insured with respect to the events' use of the closed City Streets. Motion carried 7 to 0.

--carried

CLAIMS

REPORT ON CLAIMS ALLOWED AUGUST, 2003:

<u>Name of Claimant</u>	<u>Amount</u>
Cavender, Diana	\$187.80
Harding, Robert L.	\$903.44
Helmurs Construction	\$800.00
Holmes, Clay W.	\$3,565.43**
McCarty, Dan	\$175.00
Menefee, Gregory	\$3,046.61
Moore, Robert W. & Karen S.	\$1,889.50**
Reynolds, Rodney	\$160.75
Schulte, Mike	\$175.00
Stanishia, Nicholas	\$2,608.00
Teneyck, Arlene R.	\$65.50
Tronsgard, Phyllis J.	\$90.78
Trotter, Frank M.	\$26.86
Weigand-Omega Management, Inc.	\$1,017.75

** Settled for lesser amount than claimed.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

KDOT

GRANT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION.

Agenda Report No. 03-0975

On May 10, 1999, Governor Bill Graves signed into law House Bill 2071, which provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, short line railroad, aviation and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,085,000 for FY 2004 (July 1, 2003 through June 30, 2004), which may be used for capital or operating expenditures.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's Program. The purpose of this action is to authorize the City of Wichita - Wichita Transit to file for eligible State funds in support of the City's Transit services for capital purchases and operations. This action is similar to what the City filed for KDOT's FY 2003 funds last year.

The grant will provide for the following:

- Local matching funds requirements for the purchase of 4 replacement transit vehicles and the purchase of an AVL/GPS system and associated accessories;
- Continuing KDOT-funded Service enhancements, including enhanced midday fixed route operations, associated fuels, operations safety program, and ADA Para transit support.

The \$1,085,000 funds will be divided into Operations (\$698,000) and Capital (\$387,000) as the local match (20%) for federal capital funding (80%). There are no City funds involved in this project.

The City Law Department will review the contract prior to execution as to form.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 152

Motion --
--carried

Mayans moved that the Grant Application and receipt of funds be approved; execution of the Contract be authorized; and the necessary signatures be authorized. Motion carried 7 to 0.

CENTRAL BRIDGE

CENTRAL BRIDGE AT TARA-SUPPLEMENTAL. (DISTRICT II)

Agenda Report No. 03-0976

On March 27, 2001, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to the Central Bridge at Tara. The fee was \$52,424.

MKEC has been asked to design traffic barriers for the Central Bridge. The proposed Supplemental Agreement between the City and MKEC provides for the additional design services.

Payment will be on a lump sum basis of \$4,199 and will be paid by General Obligation Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LIBERTY PARK

CONSTRUCTION ENGINEERING AND STAKING FOR LIBERTY PARK, COPPER GATES ESTATES, COPPER GATE AND HERITAGE BAPTIST CHURCH ADDITIONS, SOUTH OF 13TH, WEST OF 135TH STREET WEST-SUPPLEMENTAL. (DISTRICT V)

Agenda Report No. 03-0977

The City Council approved the project on December 10, 2002. On March 18, 2003, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Liberty Park, Copper Gates Estates, Copper Gates & Heritage Baptist Church Additions. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$81,920 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WOODLAND ESTS.

CONSTRUCTION ENGINEERING AND STAKING FOR WOODLAND LAKES ESTATES 3RD ADDITION, SOUTH OF LINCOLN, WEST OF 127TH STREET EAST-SUPPLEMENTAL (DISTRICT II)

Agenda Report No. 03-0978

The City Council approved the project on May 6, 2003. On July 1, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in Woodland Lakes Estates 3rd Addition. Due to the

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 153

current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$30,850 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

BRENTWOOD

CONSTRUCTION ENGINEERING AND STAKING FOR BRENTWOOD SOUTH ADDITION, EAST OF WEBB, NORTH OF PAWNEE-SUPPLEMENTAL. (DISTRICT II)

Agenda Report No. 03-0979

The City Council approved the project on March 18, 2003. On May 6, 2003, the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements in Brentwood South Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$28,000 and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

WHISPERING LAKES ESTS.

CONSTRUCTION ENGINEERING AND STAKING FOR WHISPERING LAKES ESTATES, SOUTH OF HARRY, EAST OF 143RD STREET WEST-SUPPLEMENTAL. (DISTRICT II)

Agenda Report No. 03-0980

The City Council approved the project on December 17, 2002. On February 4, 2003, the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction-engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements in Whispering Lakes Estates Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$27,000 and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

CONSTRUCTION ENGINEERING AGREEMENT FOR HARRY FROM OLIVER TO WOODLAWN. (DISTRICT III)

Agenda Report No. 03-0981

The 2001 Arterials Capital Improvement Program includes funds for reconstructing and widening Harry from Oliver to Woodlawn to provide a five-lane roadway. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 154

Transportation (KDOT). On November 6, 2001, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

Provide a continuous two-way center left turn lane to increase through traffic carrying capacity and provide a separate lane for safer left turn movements.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$135,598.54.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

CITY HALL SECURITY CITY HALL SECURITY ENHANCEMENTS. (DISTRICT VI)

Agenda Report No. 03-0982

In 1998, the City undertook a multi-year plan of renovations to City Hall as part of the City's Customer Service Initiative to improve customer access, service and use. Initial renovations included the addition of the Atrium and renovations to the 2nd and 3rd floors and the Council Chambers.

On August 1, 2000, the City Council approved a Contract with Schaefer Johnson Cox Frey & Associates (SJCF) to provide conceptual design ideas to refresh the City Hall campus as part of the multi-year renovation initiative. The project was to provide conceptual design ideas to update and add to the City Hall lobby (first floor) and the exterior plaza around the perimeter of the building. The design was to include, but not be limited to, parking patterns and assignment, pavement textures, landscaping, sculptures, lighting schemes, wall finishes, graphic systems, furnishings, planters, art exhibits, and security. The conceptual designs are complete.

Since the September 11, 2001 disaster, and following recommendations from the Homeland Security Office, it has become more apparent that the City needs to take additional actions to improve security and safety at City Hall and at other City locations. The City Hall campus renovation will incorporate more security measures in its design. Those measures will complement procedural and security enhancements already underway.

A Request for Proposal (FP300035) was solicited on May 2, 2003 to interested firms for the City Hall security enhancements, as the initial RFP (in 2000) for campus modifications did not have a strong enough emphasis on security improvements. The proposed project will attempt to harden the campus and make it user-friendlier with clearly defined mobility patterns for pedestrian and vehicular traffic.

Four firms responded to the Request for Proposals: Gossen Livingston Associates, Law/Kingdon, Inc., PBA Architects and Schaefer Johnson Cox Frey and Associates. The Staff Screening and Selection Committee interviewed all firms responding on July 10, 2003. The Staff Screening and Selection Committee was comprised of the required City staff plus Bob Lamke, Director of Public Safety from the County and Rick McCafferty, Executive Vice President of Key Construction. The Committee selected Schaefer Johnson Cox Frey and Associates for this project based on its qualifications, knowledge of City Hall and proposed fee schedule. The Contract for design and bid documents is a single stipulated lump sum fee (including reimbursable expenses) of eighty-five thousand nine hundred forty five dollars (\$85,945).

The Contract for \$85,945 will be funded from the City Hall Renovations project account currently budgeted (Project #435185, OCA #791566). The available balance is \$1,353,587, which includes funding for construction.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 155

OFFICE SUPPLIES

VARIOUS DEPARTMENTS, BOARDS AND AGENCIES OFFICE SUPPLIES.

Agenda Report No. 03-0983

The City of Wichita currently contracts with Corporate Express to provide office supplies for various City departments, boards and agencies. There are over 100 points of service ranging from fire stations to the park locations to the Airport. The current contract will expire September 2003. Request for proposal (FP300042) to provide Office Supplies various City Departments, Boards and agencies was sent to seven vendors.

Seven (7) proposals were received and evaluated by purchasing staff. The evaluation criteria included: 1) the ability to meet or exceed all requirements listed in the scope of services; 2) qualifications and experience; 3) an efficient on-line catalog; 4) references; 5) customer service; and 6) cost/pricing. Staff selected Midwest Single Source on the basis of the best and lowest cost proposal; estimating annual usage of the core contract items at approximately \$100,000.

The contract will not obligate the City to any specific purchases or volume of purchases for office supplies; it only provides the departments the ability to obtain office supplies from the most qualified and cost-effective vendor.

The Contract will be approved as to form by the Law Department. The contract is for one year with two (2) annual renewal options.

Motion--
--carried

Mayans moved that the contract with Midwest Single Source be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WILSON FARMS

WILSON FARMS FOURTH ADDITION, WEST OF WEBB, NORTH OF 21ST. (DISTRICT II)

Agenda Report No. 03-0984

The City Council approved the project on August 19, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements in Wilson Farms Fourth Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$35,880, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATERFRONT

THE WATERFRONT ADDITION, NORTH OF 13TH EAST OF WEBB. (DISTRICT II)

Agenda Report No. 03-0985

The City Council approved the project on July 1, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements in The Waterfront Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$9,300, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 156

FOX RIDGE

FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, BETWEEN MAIZE AND TYLER. (DISTRICT V)

Agenda Report No. 03-0986

The City Council approved the project on August 5, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements in Fox Ridge Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$141,060, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

MAPLE STREET

AMENDING ORDINANCES AND CHANGE ORDER: MAPLE STREET IMPROVEMENTS, 135TH STREET WEST TO 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 03-0987

On May 8, 2001, the City Council approved a project to improve Maple, between 135th Street West and 119th Street West. The project is funded by a combination of City funds and Federal Grants administered by the Kansas Department of Transportation (KDOT). The paving project includes a large amount of storm water drainage improvements. KDOT has determined that part of the drainage improvements are not eligible for Federal participation. In addition, a Change Order has been prepared to address items encountered after the project was bid:

Relocation of a storm sewer to improve drainage from an adjacent residential area. \$4,325

Realign storm sewer to avoid conflict with crude oil pipeline. \$1,582

Install pipeline under Maple for future distribution of effluent from Northwest Treatment Plant for irrigation. \$8,278

Construct retaining wall to protect existing signs, lights, and landscaping. \$4,554

Pavement, fire hydrant, and curb adjustments. \$5,893

Add stone riprap for erosion protection near existing detention pond. \$2,880

An amending Ordinance has been prepared for the drainage work KDOT determined to be non-participating and a Change Order for the additional work, encountered after the project was bid.

The original project budget was \$3,500,000, with \$900,000 paid by the City and \$2,600,000 paid by Federal Grants administered by KDOT. The revised budget is \$3,700,000, with \$1,100,000 paid by the City and \$2,600,000 paid by Federal Funds administered by KDOT. The funding source for the City share is General Obligation Bonds. Funds are available for the increase from lower than expected bids for the Central improvement, from Maize to Tyler.

Motion--
--carried

Mayans moved that the Change Order be approved; the necessary signatures be authorized; and the Ordinance be placed on first reading. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 157

ORDINANCE

An Ordinance amending Ordinance No. 44-972 of the City of Wichita, Kansas, declaring Maple between 135th Street West and 119th Street West (472-83262) to be a main trafficway within the City of Wichita, Kansas; declaring that the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

ORDINANCE

An Ordinance amending Ordinance No. 45-506 of the City of Wichita, Kansas declaring Central Avenue, between Maize Road and Tyler Road (472-83659) to be a main trafficway within the City of Wichita, Kansas; declaring that the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

GO BONDS

GENERAL OBLIGATION REFUNDING AND IMPROVEMENT LOCAL SALES TAX BOND SALE (SERIES 2003B); \$53,120,000 CASH REDEMPTION OF GENERAL OBLIGATION BONDS (SERIES 745); \$3,825,000

Agenda Report 03-0988

The City is planning to offer for sale one series of refunding and new money general obligation sales tax bonds in the approximate amount of \$53,120,000. The new money will provide financing for freeway capital improvements. A portion of the sale proceeds will be used to refund the outstanding Series 1996 Sales Tax Bonds. Ordinance No. 42-993 authorized the issuance of \$25,000,000 in General Obligation Sales Tax Bonds (Series 1996 dated February 1, 1996). All bonds still outstanding as of December 1, 2003, are eligible for redemption and payment at par prior to their respective maturities as set forth in Section 4 of the Bond Ordinance.

The public sale of the aforementioned bonds is scheduled for 10:30 a.m. on November 4, 2003, at which time sealed bids will be opened and the City Council will award the sale of the bonds to the bidder whose proposed interest rates will result in the lowest overall cost to the City.

Series 745 General Obligation Bonds are also eligible for call. City of Wichita Ordinance No. 43-171 authorized the issuance of \$12,745,000 in General Obligation Bonds (dated August 1, 1996). All bonds still outstanding as of December 1, 2003, are eligible for redemption and payment at par prior to their respective maturities as set forth in Section 3 of the Bond Ordinance.

The City's Fall 2003 general obligation bond sale includes the following issue:

"Refunding Bonds"

State and federal law permits local governments to issue refunding bonds which replace previously issued and currently outstanding bonds. If the bonds being refunded are currently callable, they can be refunded with "current refunding" bonds, without limitation as to the number of times the original bonds have been refunded. If the bonds being refunded are not currently callable, they can only be refunded with "advance refunding" bonds. Tax-exempt bonds originally issued after the effective date of the 1986 Tax Reform Act can only be advance refunded once. The Series 1996 Bonds have not been refunded previously and because the bonds are callable, the bonds qualify for a current refunding at this time. The par amount of the bonds being refunded is \$7,500,000.

"Sales Tax Bonds"

A portion of the proceeds from the sale of the Series 2003B Refunding Sales Tax Bonds will be used to permanently finance certain City-at-large freeway improvement projects, including the Kellogg/Tyler, Kellogg/Woodlawn and Kellogg/Rock Road Interchanges. A feasibility study was performed to ensure that the debt ratio coverage was sufficient to cover additional debt with one-half of the City's one percent local option sales tax revenue currently in place. The new money portion of the Series 2003B Refunding Sales Tax Bonds is \$45,000,000.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 158

Cash Redemption - Analysis of the outstanding bonds indicates that the Series 745 Bonds could be redeemed with significant savings to the Debt Service Fund. Bonds eligible for redemption that mature after their first call date can typically be called at a price equal to 101% of the principal amount thereof; after their second call date at a price equal to 100.5%; and after their third call date at par. Interest on the principal that has accrued from the call date to the redemption date must also be paid. Because the third call date is December 1, 2003, we are able to call the bonds at par and without additional accrued interest. A minimum of thirty days notice of the City's intent to call the outstanding bonds prior to their stated maturities must be given to all bond holders and Material Event Notices must be sent to the Nationally Recognized Municipal Securities Information Repositories (NRMSIRs) and the Municipal Securities Rulemaking Board (MSRB).

Beginning in 2001, the sale of bonds and notes has been awarded based on the bid with the lowest true interest cost, or "TIC". Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in a municipality saving money because TIC does not ignore the timing of interest payments.

The Series 2003B Refunding Local Sales Tax Bonds will mature over the next fifteen years (2004-2018) with refunded principal maturities structured to produce up front savings and positive savings in all future years. The 2003 principal payment has been made as scheduled. Refunding the Series 1996 Sales Tax Bonds (approximately \$7,580,000) will save approximately \$175,000. The new money issue is structured on a level principal and interest basis. In the past, the call features for fifteen-year LST bonds have been after seven years with a 1% premium. Market standards have changed so that fifteen and twenty-year bonds have a first call after ten years. In response to that change, it is recommended that the call features of the Series 2003B bonds be changed so that the bonds would be callable in 2013 with a 1% call premium.

The Series 745 Bonds can be called on December 1, 2003, at par in the amount of \$3,825,000. The annual savings to the Debt Service Fund is approximately \$1,400,800, principal and interest for a net present value savings of approximately \$377,400.

The Law Department has approved the Resolution authorizing the sale of the series of bonds and will direct the publication and distribution of the Notice of Bond Sale (prepared by the City's Bond Counsel as required by law).

Motion--

Mayans moved that the Resolutions authorizing the general obligation refunding and improvement local sales tax bond sale and subsequent pledge of sales tax revenue be adopted; the submittal of the Preliminary Official Statement, upon completion, and the change in call features be approved; and the publication of the Notice of Sale and staff to take necessary actions to implement the cash redemption be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-495

A Resolution of the City of Wichita, Kansas, authorizing and providing for the public sale of General Obligation Refunding and Improvement Sales Tax Bonds, Series 2003B, of the City; and providing for the giving of notice of the public sale, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-496

A Resolution of the City of Wichita, Kansas, declaring it to be necessary to issue General Obligation Bonds for the purpose of paying the costs of constructing roads, highways and bridges in the City, and to pledge sales tax revenues for the payment of such General Obligation Bonds, as provided by K.S.A. 12-195b; and providing for the giving of notice thereof in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 159

PROPERTY DISP.

DONATION OF VACANT LOT AT 1121 NORTH OHIO. (DISTRICT I)

Agenda Report No.03-0989

September 12, 2000, the City Council approved a land donation program, as part of the newly created Redevelopment Incentives Plan. The purpose of the land donation program, as approved, was to encourage reinvestment in inner-city neighborhoods through the redevelopment of vacant lots donated by the City. Based on the criteria for donation of the lots, which was also approved by the council, the applicant:

Must demonstrate the ability to initiate construction within 6 months and pay an administrative fee of \$100.00.

Must be willing to immediately secure and maintain the property pending development.

Must submit proposed use/design of the proposed development and receive the necessary approvals.

Must commit the property for homeownership use.

Must agree to fulfill the obligations under the program or have the property revert to the City without encumbrances.

Mennonite Housing, a City approved non-profit Community Housing Development Organization (CHDO) has applied for the donation of the City-owned lot at 121 North Ohio. Mennonite Housing has identified a first time homeowner and secured funding for the construction of a single-family residence on this lot.

Donation of this lot will relieve the City of maintenance responsibilities and place the property back on the tax rolls. Additional tax value will be created by the development of the parcel.

The transfer deed has been approved by the Law Department.

Motion--
--carried

Mayans moved that the donation be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PLAYGROUND AMEN. PLAYGROUND AMENITIES AND EQUIPMENT REHABILITATION. (DISTRICT I & IV)

Agenda Report No. 03-0990

The Park and Recreation Department is in the process of renovating playgrounds and replacing playground equipment in city parks to enhance this community resource and address safety concerns associated with current configurations. During the past four years, the City has addressed approximately 56 of the 72 playground sites. Minor improvements and playground renovations were funded from the City's Capital Improvement Program, grants, and neighborhood donations.

The City's Request for Proposal (RFP) was developed to select a vendor to design and construct various playground improvements at the six park sites designated for Community Development Block Grant (CDBG) funding. A pre-proposal conference was held on July 22, 2003, to allow all interested companies to view each of the playground sites, ask questions for clarification and receive technical assistance related to CDBG project management.

The City received six responses to the RFP. The Screening and Selection Committee comprised of city staff and community volunteers evaluated each of the proposals and selected proposals based on aesthetics (10%), durability (40%), play value (30%), and cost and installation capability (20%). Based on the criteria, Athco, L.L.C. was selected for the playground design and construction of Lynette Woodard, Fairmount and Spruce. Cunningham and Associates was selected for Aley. Fry and Associates were selected for West Douglas. Grove Park selection will be made at a later date after review and discussion with a coalition from the Grove Park neighborhood. This park site may involve some non-traditional playground elements.

The total cost for construction of the playground systems selected by the selection committee is \$327,000. During their March 5, 2003, meeting, Council approved Community Development Block

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 160

Grant Funding for renovations of five playgrounds: Lynette Woodard – \$80,000; Fairmount – \$80,000; Spruce – \$80,000; Aleyn – \$40,000; and West Douglas – \$47,000.

The Law Department will review and approve the purchase contract as to form.

Motion--
--carried

Mayans moved that the recommendations of the Selection Committee for construction of new playgrounds be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HOMELESS ASSIST. HOMELESS ASSISTANCE.

Agenda Report No. 03-0991

For the past several years the City of Wichita has been asked to provide funding to assist with the costs associated with the operation of an emergency overflow winter shelter. Several churches in the downtown area rotate opening their doors to the homeless on cold winter nights (when temperatures fall below 30 degrees) and offer the homeless a warm place to sleep for the night. This partial funding assistance allows the shelter to be open the latter part of November through the first part of March. In past, the City has provided financial assistance to Interfaith Ministries, the organization that coordinates the operation of the winter overflow shelter. On nights when the temperature falls below 30 degrees, it is not uncommon to have over 100 individuals needing a place to sleep. The winter emergency overflow shelter is addition to the homeless shelters that operate year round.

Interfaith Ministries has initiated a dialogue with other organizations and governments to seek a more permanent solution to this problem. Boeing is providing a “Loaned Executive” to study needs and make recommendations on how to address the recurring needs of this population.

The past contribution to Interfaith Ministries for operation of the winter emergency overflow shelter was \$7,500. Funding in this amount is again available from a Community Services Block Grant (CSBG).

None, as use of CSBG can be used to assist low and very low-income individuals.

Motion--
--carried

Mayans moved that the \$7,500 in CSBG funding to Interfaith Ministries for the emergency winter overflow shelter be authorized. Motion carried 7 to 0.

VENDING FOOD VENDING FOOD SERVICES VENDOR.

Agenda Report 03-0992

The Recreation Division of the Department of Park and Recreation has selected Wichita Vending Co. to place and service vending machines for snack foods at various Park & Recreation Department locations. A contract between the City of Wichita and Wichita Vending Co. will take effect October 1, 2003 for a one-year period, with two one-year extensions available to the vendor. The vendor will return a commission of 22% of all Park vending machine sales to the City.

In August 2003, the Department of Park and Recreation issued a Request for Proposal to thirteen qualified vendors, soliciting proposals to provide food vending machine services at various identified Park locations. Vendors were required to prove their ability to provide machine that would vend both packaged and fresh snacks to the public. Three vendors responded to the RFP, Wichita Vending Co. offering a 22% commission to the City, A.S.A.P. Vending, Inc. offering a 21% commission, and Air Capital Vending, Inc. offering a 20% commission.

A selection committee comprised of Recreation staff, assisted by Purchasing staff, reviewed each of the three proposals carefully. The committee selected Wichita Vending Co. as the preferred vendor because of a proven ability to service machines in a timely manner, a willingness to provide all new high-quality vending machines, the ability to provide a regular tracking report that will give the department an accurate record of sales at various locations, and the ability of provide refrigerated

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 161

outdoor machines that will enable the sale of fresh food products. The addition of refrigerated outdoor vending machines is a feature often requested during the summer at City swimming pools.

The vendor agrees to return to the City of Wichita twenty-two percent of the gross receipts from the sale of snack products at various Park Department locations. In 2002 the City received \$6,700 on gross vending machine sales in Parks, representing a 20% commission.

The vendor has provided proof of all necessary food handling permits and certifications to vend food and beverages in Kansas.

Motion--
--carried

Mayans moved that the selection of Wichita Vending Co. to provide vending food services at Park & Recreation Department locations be approved. Motion carried 7 to 0.

CONDEM. AWARD

PAYMENT OF CONDEMNATION AWARD—CASE NO. 03 CV 1883, HOOVER ROAD PROJECT. (DISTRICT IV)

Agenda Report No. 03-0993

The City has identified the need to acquire four tracts of land in connection with improvements to Hoover Road near its intersection with K-42. The properties are all owned by Marksland, L.L.C. Earlier this year the City initiated eminent domain proceedings to acquire these properties. On September 2, 2003, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of these four easements to be \$77,282.00. The court awarded the three appraisers fees in the amount of \$9,000.00. Court costs are \$110.

In order for the City to acquire this right-of-way, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before October 2, 2003.

The costs of acquiring these properties will be paid from project funds.

The City has until October 2, 2003, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion--
--carried

Mayans moved that the payment to the Clerk of the District Court in the amount of \$86,392.00 for acquisition of property interests condemned in Case No. 03 CV 1883 be authorized. Motion carried 7 to 0.

RESOLUTION

RESOLUTION OF SUPPORT FOR WICHITA DOWNTOWN DEVELOPMENT CORPORATION-KANSAS COMMUNITY CAPACITY BUILDING PROGRAM GRANT APPLICATION.

Agenda Report No. 03-0994

Annually, the Kansas Department of Commerce solicits grant applications for the Kansas Community Capacity Building Program. The purpose of the grant program is to encourage collaborative community development planning and plan implementation activities in metropolitan and non-metropolitan areas within the State of Kansas. The maximum grant amounts are \$25,000 and require a minimum local cash match of \$5,000. All grant applications are competitive and there is no assurance of funding.

The Wichita Downtown Development Corporation (WDDC) has prepared a grant application for Kansas Community Capacity Building funds in the total amount of \$125,000: \$25,000 State and \$100,000 local. The Wichita Downtown Development Corporation plans to utilize the grant funds for a new Downtown Development Plan. Wichita Downtown Development Corporation would hire a consultant to prepare data and conduct demographic research. The consultant would also develop and finalize a citizen engagement process. It is envisioned that a collaborative approach would be used to develop the new plan through a Management Team comprised of representatives of Wichita Downtown Development Corporation and various city and county leaders. The Management Team would create a

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 162

Steering Committee of fifty to one hundred people representing downtown property owners, business owners and a variety of other representatives. A new Downtown Development Plan would be created with appropriate goals, objectives and strategies. The draft plan would be completed by March 2005 and the City Council would be requested to consider adopting the plan in June 2005.

The proposed application does not conflict with any local plans, zoning or land use requirements. The Resolution of Support does not obligate the City to fund any part of the program.

The proposed application has no impact on City finances and does not require any City financial participation. Wichita Downtown Development Corporation will provide the matching funds.

Motion--carried

Mayans moved that the Resolution of Support be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-519

A Resolution of the governing body of the City of Wichita supporting the application of the Wichita Downtown Development Corporation for the Community Capacity Building Grant Program administered by the Kansas Department of Commerce, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ SEPTEMBER 9, 2003)

- a) Industrial Revenue Bonds, Big Dog Motorcycles, L.L.C. (District I)

ORDINANCE NO. 45-793

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$1,100,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series IV, 2003 (Big Dog Motorcycles Project) for the purpose of providing funds to construct and equip a warehouse facility and construct and equip improvements to an existing Corporate Headquarters and Manufacturing Facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Second Supplemental Trust Indenture by and between the City and BNY Trust Company of Missouri, St. Louis, Missouri, as Trustee, with respect to the Bonds; prescribing the form and authorizing the Execution of a Second Supplemental Lease Agreement by and between the City and Waterview Realty, L.L.C.; approving the form of a Guaranty Agreement; approving the Second Supplemental Sublease between Waterview Realty, L.L.C., and Big Dog Motorcycles, L.L.C.; and authorizing the execution of a Bond Placement Agreement by and between the City and Waterview Realty, L.L.C., as purchaser of the Bonds. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Technical Board Residency.

ORDINANCE NO. 794

An Ordinance for the City of Wichita pertaining to residency requirements for certain boards and commissions: amending Sections 2.210.010, 18.04.020, and 22.04.150 of the Code of the City of Wichita; and repealing the original of said Sections. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) ZON2003-37 - north of 21st Street North and east of 127th Street East. (District II)

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 163

ORDINANCE NO. 45-795

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. ZON2003-37. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-37

d) ZON2002-48 - southwest corner of Hillside and 37th Street North. (District I)

ORDINANCE NO. 45-796

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. ZON2002-48. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2002-48

e) ZON2000-35 - west of Tyler, south of Central. (District V)

ORDINANCE NO. 45-797

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. ZON2002-35. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2000-35

PLANNING AGENDA

Council Member Brewer momentarily absent.

Motion
--carried

Mayans moved that the Planning Items, except Item 37, be approved as consent Items. Motion carried 6 to 0. (Brewer absent)

VAC2003-00032

REQUEST TO VACATE PLATTED ALLEY LOCATED NORTHEAST OF THE DOUGLAS AVENUE-NEW YORK AVENUE INTERSECTION. (DISTRICT I)

Agenda Report No. 03-0995

The applicants are requesting vacation of the (east to west) 20-foot wide alley for redevelopment and expansion of Big Dog Motorcycles. The first platting of the site in 1883 was the Mathewson Addition, with the subsequent Tiffany's and McKim's subdivisions reconfiguring the original Mathewson Addition.

There are three owners abutting the alley, the City of Wichita on the north and TDFW and Nenad & Rose Dakovic on the south, all have signed the petition and application to vacate. Reversion of the alley to private property would have ½ the width of the alley for the entire length going to the north side and ½ the width of the alley for the entire length going to the south side. Big Dog Motorcycles is replatting (SUB2003-60) their whole site from Douglas on the south, to 1st Street on the north, to New York on the west and Pennsylvania on the east. The southwestern corner of this block is not owned by

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 164

Big Dog/ the City, but is under separate ownership; TDFW and Nenad & Rose Dakovic, who have chosen not be part of SUB03-60. Thus the alley cannot be vacated by the replat, but must be a separate vacation, as requested by the 3 owners/applicants abutting it. There utilities, sewer and manholes in the alley. No one has protested the proposed vacation of the alley.

The applicant shall guarantee the closure of the alley return

A certified copy of the Vacation Order will be recorded with the Register of Deeds; the alley will be retained as a utility easement.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)

SUB2003-60

SUB2003-60-PLAT OF BIG DOG MOTORCYCLE ADDITION, LOCATED ON THE NORTHWEST CORNER OF DOUGLAS AND HYDRAULIC. (DISTRICT I)

Agenda Report No. 03-0996

This site, consisting of 1 lot (4.29 acres), is a replat of various additions located in the City is zoned "LI" Limited Industrial District. This site is located within the City limits. This plat includes the vacation of Victor Street and six alleys. A vacation case (VAC 2002-32) to vacate an adjoining alley has been submitted and is on the same agenda. The vacation case will need to be approved prior to the recording of the plat.

The City of Wichita is indicated as holding an interest in this property's ownership and is shown as one of the site's plattors.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion--
--carried

Mayans moved that the plat be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent).

SUB2003-66

SUB2003-66-PLAT OF RIDGE PORT FIFTH ADDITION, LOCATED ON THE EAST SIDE OF RIDGE ROAD, NORTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report 03-0997

This site, consisting of 13 lots (3.35 acres), is a replat of a portion of Ridge Port Fourth Addition. This site is zoned "TF-3" Two-Family Residential District.

Petitions were previously submitted for paving, drainage, sewer and water improvements. A Restrictive Covenant has been submitted to provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Restrictive Covenant has also been submitted to provide for the ownership and maintenance of the reserves. This Restrictive Covenant also provides for the continued sharing in the ownership and maintenance responsibilities of the previously platted reserves in Ridge Port Fourth Addition that are not included in this site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenants (2) will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 6 to 0. (Brewer absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 165

(Agenda Item #37)
SUB2003-75

SUB2003-75-PLAT OF VIA CHRISTI FAMILY PRACTICE ADDITION, LOCATED NORTH OF CENTRAL, EAST OF BROADWAY. (DISTRICT VI)

Agenda Report 03-0998

John Schlegel

Director of Planning reviewed the Item.

This site, consisting of one (1) lot (2.89 acres), is a replat of the Topeka-Pine Addition and a portion of the J.P. Hilton's Addition. A zone change (ZON 2003-36) from "GO" General Office District, "GI" General Industrial District, "B" Multi-Family District and "GC" General Commercial District to "GC", General Commercial District has been approved. Municipal services are available to serve the site.

In order to guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings required by access control being dedicated by this plat, a Drive Approach Closure Certificate has been submitted. Also, a Temporary Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Drive Approach Closure Certificate and Temporary Easement will be recorded with the Register of Deeds.

Motion--

Fearey moved that the documents and plat be approved, the ZON 2003-36 Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 6 to 0. (Brewer absent).

--carried

RESOLUTION NO. 03-521

Resolution of findings of advisability and Resolution authorizing construction of Lateral 12, Main C, Sanitary Sewer No. 1 (north of Central, east of Broadway) 468-83708, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. ZON 2003-36

ZON2003-0003

ZON2003-00039-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE. GENERALLY LOCATED SOUTHEAST OF 21ST STREET NORTH-K-96 INTERCHANGE, 2021, 1061, & 1857 NORTH WAWONA. (DISTRICT II)

Agenda Report No. 03-0999

The applicant requests a zone change from "SF-5" Single-Family Residential to "GO" General Office on Lots 4 & 5, Block 1, Lanzrath Addition and abutting unplatted tracts. The subject properties are located approximately 900-feet south of the 21st Street North Wawona intersection, along the west side of Wawona Street. The applicant proposes to develop the property into medical services. Current development on portions of the site includes three single-family residential houses, two on the northern platted portion of the site and the third, south of the other two houses, on an unplatted tract. These houses will be removed for redevelopment of the site.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 166

The area around the site is moving from a rural character and uses to urban scale single-family subdivisions and three undeveloped "LC" zoned properties with CUP overlays. The development exceptions in the area are two recently completed large church complexes, a private school (all institutional uses) and two cemeteries.

The property abutting the north side of the site and having frontage on 21st Street North is zoned (ZON2001-24) "LC" Limited Commercial and has a CUP (DP-256) overlay on it. This property is not developed. North of Wawona are the two large church complexes, Messiah Baptist and the Church of the Magdalene. The property east of the site and across Wawona Street is zoned "SF-5". The private school, Trinity Academy, and its playing fields/grounds occupy most of this area. There is also a single-family residential house east of the site and the Water Department has a small facility on the southern portion of the east area. The owner of the house is protesting the proposed rezoning. The Burlington Northern right-of-way abuts the south end of the site. Properties south of the railroad ROW are zoned "SF-5", with the east portion developed as a single-family subdivision. The other property south of the site is owned by the same group, which owns Lakeview Cemetery. The cemetery development has not extended to the site's south side. K-96 is the west boundary of the site. West of K-96, property is zoned "SF-5" and "SF-20" single-family residential. These properties are either not developed or are part of the Kensington Gardens cemetery.

Any development on the subject property will be required to meet screening, compatibility standards and landscaping. Improvements to Wawona Street will have to be made in anticipation of the increase of traffic. Drainage plans will need to be reviewed and approved by the Public Works Engineer. The applicant has submitted a preliminary plat and the traffic and drainage issues will be addressed during platting.

The Metropolitan Area Planning Commission (MAPC) considered the zone change request on August 21, 2003, and voted (13-0) to recommend that the request be approved subject to platting within a year. Staff has not received any calls against the requested zoning change. A written protest was withdrawn at the August 21, 2003 MAPC meeting by the protester. There has been no other written protest received.

Motion--

Mayans moved that the Council concur with the findings of the MAPC and approve the zone change subject to platting within a year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0. (Brewer absent).

--carried

CON2003-00030

CON2003-00030-CONDITIONAL USE TO PERMIT A NURSERY GARDEN CENTER ON PROPERTY ZONED LIMITED COMMERCIAL - GENERALLY LOCATED NORTHEAST OF THE BONNIE BRAE-KELLOGG DRIVE INTERSECTION. (District II)

Agenda Report No. 03-1000

The applicant is requesting a Conditional Use to operate a nursery and garden center for its business, Nature's Way, on property zoned "LC" Limited Commercial. The applicant currently operates Nature's Way on a facility located in the same vicinity. However, the existing site has been acquired for Kellogg freeway expansion, and the property remaining after the freeway/access road construction is inadequate for his business.

The applicant is seeking to move his business two blocks eastward onto a larger residual property. The proposed site is located on the north side of Kellogg Drive, east of Bonnie Brae. Gypsum Creek is the eastern boundary of the site. Bonnie Brae, a single-family residential neighborhood is located to the north.

The site plan shows the business reconfiguring the existing building on the site for his interior store facilities and having outdoor display space to the east and north of the building. The interior building area is 4,590 square feet. The site plan designates approximately 4,000 square feet for outdoor display and 1,000 square feet for outdoor storage.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 167

The site plan appears to meet parking requirements of the Unified Zoning Code (UZC), but final calculations will be determined during the building permit review. Also, parking requirements can be adjusted by MAPC by either decreasing or increasing the parking based on specific site use conditions as part of the Conditional Use review per UZC Art. III, Sec. III-D.6.z(10). In this case, it is recommended by staff that parking needs for this site would be anticipated to be at or slightly below the UZC requirements and the site plan should provide at least 90 percent of the requirements per Code. This would allow a reduction of about three spaces from the anticipated level of 36 spaces.

The applicant proposes a wrought iron fence that is six feet in height to enclose the outdoor display and storage space. Landscaping is shown along Kellogg Drive and buffer trees are located along the northern property line. Also, an existing six-foot wood fence is located along the northern property line.

The Unified Zoning Code contains 11 Supplementary Use Regulations for outdoor nurseries and garden centers located on property zoned "LC" Limited Commercial. The applicant proposes a modification to one of the Supplementary Use Regulations. Section III-D.6.z (3) requires a 25-foot setback from public right-of-way for the outdoor display area; however, the applicant proposes a setback of seven feet for the outdoor display area, with a wrought iron fence surrounding the display area. A Supplementary Use Regulation can be modified by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff recommends the proposed modification of this requirement for the fenced display area since the fence will ensure the display does not extend to the right-of-way and since other relocation projects along Kellogg Drive have been granted relief on landscaping/setback type of requirements due to the right-of-way acquisition impacts.

As shown on existing FEMA maps, the eastern portion of the lot may have been within the floodway and the remainder of the lot was within the 100-year floodplain. However, a map amendment is being processed and should be in effect in approximately six months. This map amendment removes the property from the floodway, and only a small portion of the existing parking in the southeast corner of the site would remain in the 100-year floodplain.

The applicant met with neighbors from the adjoining Bonnie Brae Neighborhood Association in lieu of discussing the case at a District II Advisory Board. The neighbors present indicated support for relocation of the use from its present site, located about two blocks west, to the proposed site. Concerns about screening and lighting were discussed and addressed through the recommended conditions for the Conditional Use.

At the MAPC meeting held on August 21, 2003, MAPC voted (13-0) to approve subject to staff recommendations. No citizens were present to speak on the case. Recommended conditions are:

1. The seasonal nursery and garden center shall conform to all requirements of Section III-D.6.z. of the Unified Zoning Code, except that a setback of seven feet for the fenced outdoor display area shall be allowed along Kellogg Drive.
2. The area devoted to outdoor storage shall be screened from the adjoining residential neighborhood with a solid fence in compliance with the UZC screening standards (Art. IV, Sec. IV-3) at least six but not more than eight feet in height along the northern property line, and shall be enclosed within the wrought iron fenced area designated on the site plan. No materials except live plants and garden ornaments such as trellises that exceed this height shall be stored higher than the height of the screening fence, and the outdoor storage area shall be screened from view of Kellogg Drive. Pots, timbers, mulch, rock materials and similar non-living materials shall not be stored higher than the height of the fence.
3. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning. Parking shall be allowed to be reduced to 90 percent of total UZC parking requirements, based on UZC Art. III, Sec. III-D.6.z (10).
4. The site shall be developed in general conformance with the approved site plan.
5. Construction of improvements shall be completed within one year of approval by the appropriate governing body.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

CITY COUNCIL PROCEEDINGS

JOURNAL 179

SEPTEMBER 16, 2003

PAGE 168

Wichita City Council is required to review and approve the request because the site plan shows a deviation from a Unified Zoning Code requirement prohibiting outdoor display within 25 feet of the right-of-way. The site plan proposes reducing this to seven feet. The MAPC recommendation was to allow this deviation.

No protests have been received.

Motion--

Mayans moved that Council concur with the findings of the MAPC and approve the Conditional Use to permit a Nursery and Garden Center, subject to the recommended conditions; and that the Resolution be adopted. Motion carried 6 to 0. (Brewer absent).

--carried

RESOLUTION NO. 03-520

Resolution authorizing a Conditional Use for nursery and garden center on 0.59 acre zoned "LC Limited Commercial, located northeast of Bonnie Brae-Kellogg Drive Intersection in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans. (Brewer absent).

AIRPORT AGENDA

AIRPORT

PURCHASE OF FURNITURE AND COMPUTER EQUIPMENT-TERMINAL BUILDING.

Agenda Report No. 03-1001

Funds are included in the 2003 Capital Improvement Program for improvements to the terminal building. Currently, there are limited opportunities at telephone stations in the terminal building for business travelers to readily access the Internet via a laptop or mobile computer. In order to meet the increasing demand for Internet access, terminal building improvements are proposed to address these needs.

Improvements will include both the establishment of a wireless network and placement of two work areas containing four workstations each, on both the east and west concourses. Computers will not be provided; however, provision of the workstations will be available at no cost to the public.

Estimated cost of the equipment is \$32,000. Funds will come from airport revenue.

Motion--

Mayans moved that the capital project, purchase and installation of the equipment be approved. Motion carried 6 to 0. (Brewer absent).

--carried

(Agenda Item #41)

AIRPORT

RESOLUTION FOR ISSUANCE OF SPECIAL AIRPORT FACILITIES REVENUE BONDS (FLIGHTSAFETY INTERNATIONAL) (District V)

This Item was pulled from the Agenda.

Adjournment

The City Council meeting adjourned at 12:45 p.m.

Karen Schofield
Deputy City Clerk